

STATE OF RHODE ISLAND  
AND PROVIDENCE PLAN-  
TATIONS. A HISTORY



Gc  
974.5  
F45s  
v.III  
1146739

M

GENEALOGY COLLECTION



ALLEN COUNTY PUBLIC LIBRARY




3 1833 01068 8957









Digitized by the Internet Archive  
in 2015







# State of Rhode Island and Providence Plantations at the End of the Century: A History

ILLUSTRATED WITH MAPS, FAC-SIMILES  
OF OLD PLATES AND PAINTINGS AND  
PHOTOGRAPHS OF ANCIENT LANDMARKS

EDITED BY  
EDWARD FIELD, A.B.

Volume Three



*The* MASON PUBLISHING COMPANY  
BOSTON & SYRACUSE

1902

COPYRIGHTED 1902  
BY  
THE MASON PUBLISHING AND PRINTING CO.



# Contents 1146739

## CHAPTER I.

THE POLITICAL DEVELOPMENT OF THE TOWNS.....1-86

## CHAPTER II.

THE STRUGGLE FOR JUDICIAL SUPREMACY.....87-170

## CHAPTER III.

PUBLIC AND PRIVATE FINANCE.....171-322

Part I.—COLONIAL AND LOCAL TAXATION..... 173

Part II.—1710-1800. THE COLONY AS A BANKER..... 197

Part III.—1800-1900. A CENTURY'S EXPANSION..... 239

Part IV.—CHARTERED BANKING..... 260

First Period, 1791-1809..... 261

Second Period, 1809-1840..... 282

Third Period, 1840-1865..... 307

Fourth Period, 1865-1900..... 312

## CHAPTER IV.

INDUSTRIAL DEVELOPMENT.....323-386

## CHAPTER V.

THE POOR, THE DEFECTIVE AND THE CRIMINAL.....387-490

## CHAPTER VI.

FREE MASONRY AND ODD FELLOWSHIP.....491-554

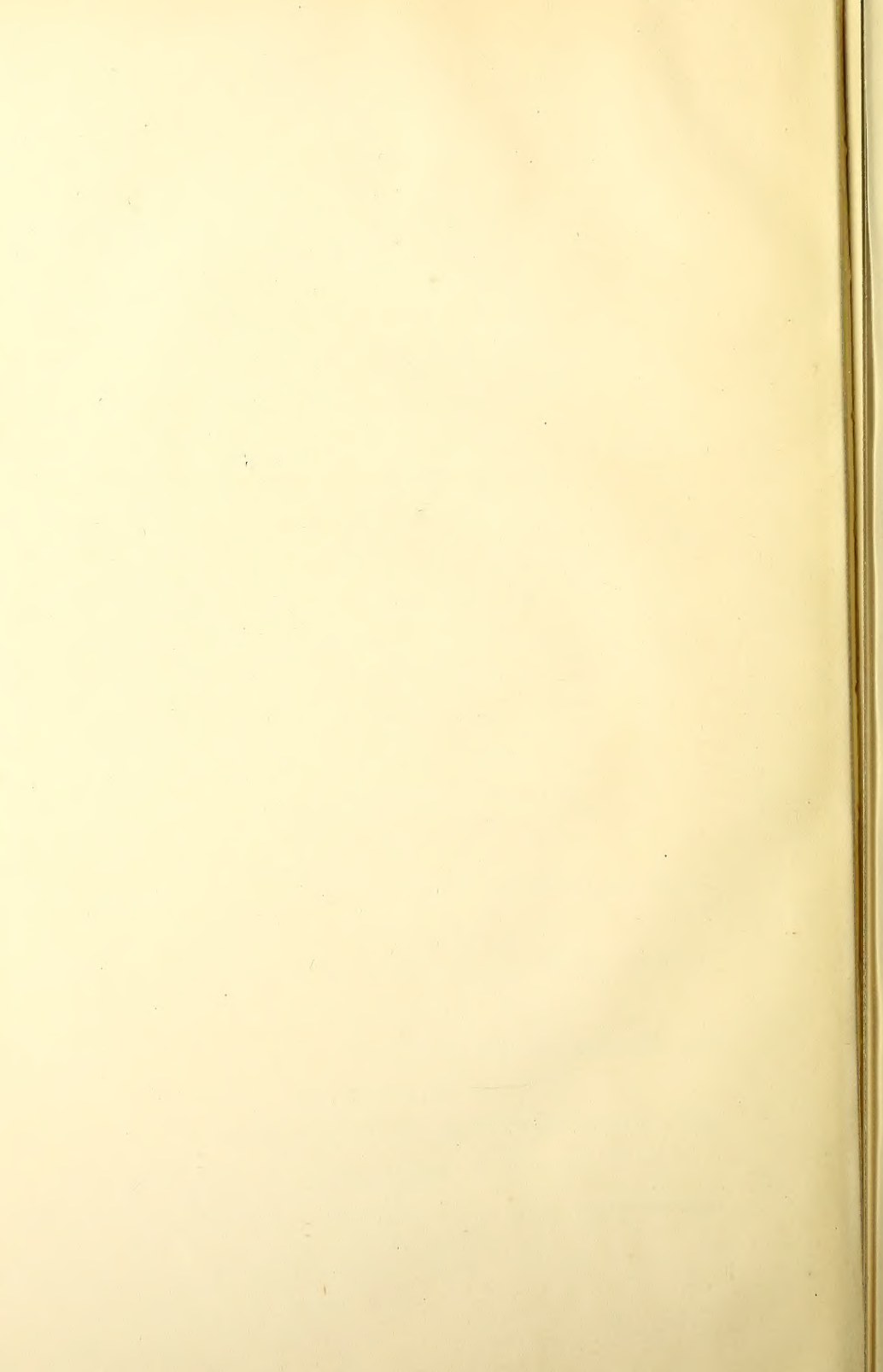
## CHAPTER VII.

EARLY HABITS AND CUSTOMS AND OLD LANDMARKS.....555-649

## APPENDIX.

BIBLIOGRAPHY ..... 651

*Tyson - \$10.00 (3 vols)*





# Illustrations

PLAN SHOWING THE FIRST DIVISION OF HOME LOTS IN PROVIDENCE.....	9
PLAN SHOWING THE APPROXIMATE LOCATION OF HOME LOTS OF THE EARLY SETTLERS OF PROVIDENCE .....	12
PLAN SHOWING THE APPROXIMATE LOCATION OF HOME LOTS OF THE EARLY SETTLERS OF PROVIDENCE.....	18
SAYLES HOUSE, ON SAYLES HILL, NORTH SMITHFIELD.....	30
LIPPIT HOUSE, OLD WARWICK, ERECTED ABOUT 1715.....	35
OLD LIGHTHOUSE, POPLAR TREE POINT, WICKFORD.....	51
MAIN STREET, WESTERLY.....	53
VIEW OF WATCH HILL.....	54
MAIN STREET, KINGSTON.....	59
CROSS'S MILLS, CHARLESTOWN.....	63
MAP OF PAWTUCKET, 1827.....	66
WALCOTT STREET, PAWTUCKET.....	67
HON. SAMUEL AMES (portrait).....	92
OLD STATE HOUSE AND COURT HOUSE, NEWPORT.....	104
GEN. JAMES MITCHELL VARNUM (portrait).....	141
EAST GREENWICH COURT HOUSE.....	158
WILLIAM READ STAPLES (portrait).....	160
DECEASED MEMBERS OF THE BENCH AND BAR OF RHODE ISLAND.....	167
FAC SIMILE RHODE ISLAND PAPER MONEY, 1738.....	204, 207
“ “ “ “ “ 1775 .....	221
“ “ “ “ “ 1786 .....	224
“ TICKET IN FIRST CONGREGATIONAL LOTTERY.....	241
GREENVILLE TAVERN, SMITHFIELD.....	262
PROVIDENCE INSTITUTION FOR SAVINGS.....	265
THE FIRST OFFICE OF THE PROVIDENCE BANK.....	272
BUILDING OCCUPIED BY PROVIDENCE BRANCH OF THE SECOND UNITED STATES BANK .....	288
THE HAMILTON BUILDING, PROVIDENCE.....	314
LITTLEFIELD WINDMILL, BLOCK ISLAND.....	326
FIELD FOUNTAIN, CLIFFORD STREET, PROVIDENCE.....	336
SAMUEL SLATER (portrait).....	340
OLD SLATER MILL, PAWTUCKET.....	344
OLD SLATER MILL, PAWTUCKET, IN 1850.....	350
THE ARCADE, PROVIDENCE, IN 1850.....	361

FALLS AT WOONSOCKET.....	364
BRIDGE AND FALLS AT PAWTUNET.....	368
VIEW OF "CHEAPSIDE," OR NORTH MAIN STREET, PROVIDENCE.....	382
IMAGE FORMERLY LOCATED OVER THE DOOR OF KENT COUNTY JAIL.....	404
OLD PROVIDENCE JAIL.....	451
TOCHWOTTON HOUSE, PROVIDENCE.....	478
THOMAS S. WEBB (portrait).....	503
BANNER CARRIED IN THE PROCESSION AT PROVIDENCE AT THE OBSEQUIES OF GEN. GEORGE WASHINGTON.....	538
COREY HOUSE, ERECTED IN 1713, QUIDNISSET, NORTH KINGSTOWN.....	558
THE ROWLAND ROBINSON HOUSE, NORTH KINGSTOWN.....	562
RUINS OF THE COL. BENJAMIN CHURCH HOMESTEAD, BRISTOL, BUILT IN 1681 .....	564
SAUNDERS HOUSE, NEAR ASHAWAY.....	567
BURR'S TAVERN, WARREN.....	571
RUINS OF COLE'S TAVERN, WARREN.....	573
JAHLEEL BRENTON HOUSE, NEWPORT.....	577
BENJAMIN WATERMAN'S HOUSE.....	585
RUINS OF OTHNIEL GORTON TAVERN.....	586
VIEW OF FEDERAL HILL FROM CANAL STREET, PROVIDENCE.....	589
THE OLD ARK, WARREN.....	592
AN ANCIENT RHODE ISLAND FARM HOUSE, NORTH KINGSTOWN.....	593
HOME OF CAPT. STEPHEN OLNEY, NORTH PROVIDENCE.....	595
RUINS OF THE THOMAS FIELD HOUSE AT FIELD'S POINT.....	596
ELEAZER ARNOLD TAVERN NEAR QUINSNICKET, LINCOLN.....	599
THE HOME OF HENRY BULL, NEWPORT.....	602
HOME OF CAPT. ARTHUR FENNER, CRANSTON.....	604
ELEAZER WHIPPLE HOUSE, NEAR LIME ROCK, LINCOLN.....	608
BIRTHPLACE OF GEN. NATHANAEL GREENE, POTOWOMUT.....	611
JAMES (FONES) GREENE HOUSE, BUTTONWOODS, WARWICK.....	614
CIDER MILL AND PRESS, NORTH KINGSTOWN.....	615
HOME OF CAPT. THOMAS FENNER, CRANSTON.....	617
THE ROGER MOWRY TAVERN.....	619
THE JOSEPH NOYES HOUSE.....	623
EDWARD MANTON HOUSE, JOHNSTON.....	625
EPENETUS OLNEY HOUSE, NORTH PROVIDENCE.....	628
PALMER NORTHUP HOUSE NEAR WICKFORD, NORTH KINGSTOWN.....	630
THE PHILLIPS HOUSE, BELLVILLE, NORTH KINGSTOWN.....	631
BABCOCK HOUSE, WESTERLY.....	632
BAKER HOUSE, WARREN.....	633
THE CRAWFORD HOUSE, PROVIDENCE.....	635
TAGGART HOUSE, LITTLE COMPTON.....	641
PELEG ARNOLD TAVERN, OLD BANK, NEAR WOONSOCKET.....	647
HOME OF JOSEPH WILLIAMS, SON OF ROGER WILLIAMS.....	648
MILESTONE NEAR WOONSOCKET.....	649



The Political  
Development  
of the Towns.



## CHAPTER I.

### THE POLITICAL DEVELOPMENT OF THE TOWNS.

#### THE CHARACTER OF THE EARLY SETTLEMENTS.

The individuality of the local divisions is evident even in the official name of the State of Rhode Island and Providence Plantations. The early settlements of the neighboring colonies were made with some measure of approval or assistance from the parent community, but in this region no such seemingly favorable circumstances attended the early settlers. The little community at the head of the Bay was separated from that upon the Island by the long stretch of water and both were separated from their neighbors by a barrier which at that time was more difficult to overcome than physical obstacles, the difference of religious opinion. The settlers at Providence and on the Island were persons of whom the older colonies were glad to be rid and with whom they did not care to have relations.

The individuality of the early settlers was one of the causes of their removal from their Massachusetts friends. Of Roger Williams, the earliest settler at Providence, Bradford in 1633 gives a cotemporary estimate: "Mr. Roger Williams (a man godly & zealous, having many precious parts, but very unsettled in judgmente) came over first to ye Massachusets, but upon some discontent left yt place, and came hither, (wher he was friendly entertained, according to their poore abilitie,) and exercised his gifts amongst them, & after some time was admitted a member of ye church; and his teaching well approoved, for ye benefite wherof I still blese God, and am thankfull to him, even for his sharpest admonitions & reproofs, so farr as they agreed with truth. He this year began to fall into some strang oppiions, and from opinion to practise; which caused some controversie betweene ye church & him, and in ye end discontente on his parte, by occasion whereof he left them some thing abruptly. Yet after wards sued for his dismission to ye church of Salem, which was granted, with some caution to them concerning him, and what care they ought to have of him. But he soone fell into more things ther, both to their and ye governments troble and disturbance. . . . But he is to be pitied, and prayed for, and so I shall leave ye matter, and desire ye Lord to shew him his



errors, and reduce him into ye way of truth, and give him a settled judgment and constancie in ye same; for I hope he belongs to ye Lord, and yt he will shew him mercie".<sup>1</sup> The opinions and practice of Williams continued to cause the government "trouble and disturbance". He maintained "that the magistrate ought not to punish the breach of the first table, otherwise than in such cases as did disturb the civil peace", and other propositions that were then considered dangerous. In 1635, Williams was sentenced to banishment according to one writer for maintaining the following positions:

"1. That we have not our land by Pattent from the King, but that the natives are the true owners of it and that we ought to repent of such receiving it by Pattent.

"2d. That it is not lawful to call a wicked person to swear, to pray, as being actions of God's worship.

"3d. That it is not lawful to hear any of the ministers of the Parish assemblies in England.

"4th. That the civil magistrate's power extends only to Bodies and Goods and outward state of man."

As the authorities considered that Williams was somewhat slow in heeding their sentence of banishment and as he still continued to teach "his dangerous doctrines", they sent Captain Underhill to apprehend him, but when the officers "came to his house, they found he had gone three days before, but whither they could not learn".<sup>2</sup> Williams traveled toward the Narragansett country and started to settle on the east side of Seekonk river. His "ancient friend the Governor of Plymouth lovingly advised" him "that he had fallen into the edge of their bounds" and suggested that he remove to "the other side of the water". This he did and named the place "Providence" on account of "God's merciful providence to him in his distress". Williams and his companions brought with them no charter from a parent state, no system of agreement for government, and there was no precedent for the exercise of political powers in accordance with the principles which their leader had championed. These settlers were outside the jurisdiction of any colony and were politically bound only by their personal allegiance to the English Crown. Could any system of political control in local affairs be developed under such conditions? The Simple Cobbler of Aggawam frankly voiced the almost universal opinion of the time when he said, "How all Religions should enjoy their liberty, Justice its due regularity, Civil cohabitation, moral honesty, in one and the same jurisdiction, is beyond the Artique of my comprehension" (p. 17). This was the new and difficult problem which the settlers were called upon to solve for the world, to determine as was

<sup>1</sup>Bradford's History "Of Plimoth Plantation", Mass. reprint, p. 369.

<sup>2</sup>Winthrop's Journal, i, p. 175.

proposed in the "Model of Church and Civil Power" "what bounds and limits the Lord hath set between both administrations."

As the departure of Williams had been welcome to the authorities of Massachusetts, so was the departure of others whose opinions were not in accord with those held by the magistrates. The Simple Cobbler of Aggawam, after again voicing the attitude towards religious dissenters, says, "I dare take upon me to be the herald of New England so far as to proclaim to the world in the name of the Colony, that all Familists, Antinomians, Anabaptists, and other enthusiasts shall have free liberty to keep away from us; and such as will come to be gone as fast as they can, the sooner the better". Of one group of these Antinomians, the Rev. Thomas Welde said in 1644: "These persons cast out, and the rest of the Ringleaders that had received sentence of banishment, with many others infected by them, that were neither censured in Court, nor in Churches, went all together out of our jurisdiction and precinct into an Iland, called Read-Iland, (surnamed by some the Iland of errors) and there they live to this day, most of them, but in great strife and contention in the civill estate and otherwise, hatching and multiplying new Opinions, and cannot agree, but are miserably divided into sundry sects and factions".<sup>1</sup> While some of those who were unwelcome in Massachusetts on account of their Antinomian leanings were casting about for a place in which to settle they came to Providence and Roger Williams recommended to them the Island of Aquidneck, now Rhode Island. Through the favor in which Williams was held by the Indians, this island was secured for the new settlement. Before taking up their abode in this new quarter the settlers organized themselves into a "Bodie Politick". Thus the settlement on the Island was made with a definite purpose unlike that at Providence, where Williams said: "My souls desire was to do the natives good". "It is not true, that I was employed by any, was supplied by any, or desired any to come with me into these parts".<sup>2</sup> This first settlement at the northern end of Rhode Island was called Portsmouth, and dates from 1638.

The settlers at Portsmouth did certainly manifest "strife and contention in the civill estate and otherwise", for little more than a year had passed before this little band had divided and a part determined "to propagate a Plantation in the midst of the Island or elsewhere". The Plantation was "propagated" and the records of the 16th of May, 1639, state that, "It is agreed and ordered, that the Plantation now begun at this South west end of the Island, shall be called Newport."<sup>3</sup>

<sup>1</sup>Preface to *A Short Story of the Rise, reign, and ruine of the Antinomians, Familists & Libertines, that infected the Churches of New England*. Pub. Prince Society, xxii, p. 92. For full account of this movement and its relation to the settlement of Rhode Island see Vol. i, Chap. iv, of this History.

<sup>2</sup>R. I. Hist. Tracts, 14, p. 53.

<sup>3</sup>R. I. Colonial Records, i, p 88.

Another center of population was upon the Shawomet purchase now known as Warwick. The settlers here were such as from various reasons had found it necessary or desirable to leave the Island or Providence. Some of these were too individualistic for even these places and had been driven out. Of one of these, Samuel Gorton, Doyle says: "By 1640 he might be said to have graduated as a disturber of the peace in every colony of New England"<sup>1</sup> Gorton seems to have been full of such restless energy as to make it difficult for him to submit to any authority. Other settlers at Warwick had been like Gorton driven from neighboring communities. Lechford says of Gorton that he was whipped as well as banished by the Newport authorities. His companions, Weeks, Holden, Carder, Shatton, and Potter, were excluded from the same settlement. Whatever may be the defense of Samuel Gorton and the settlers of Shawomet, they were frequently in conflict with each other, uniformly out of accord with the other nearby settlers, often embroiled with the Indians and even at great exertion to involve themselves in difficulties with Massachusetts.<sup>2</sup>

Such being the character of the early settlers and such the conditions of the settlements along the Narragansett Bay in the early days, the problems of local government by and for these pioneers in the different communities were both difficult and interesting.

#### THE BEGINNINGS OF LOCAL GOVERNMENT.

It has been necessary to set forth briefly the spirit in which the settlements were made in order that the nature of the development of the local government may be understood. This development did not show the guiding hand of a mother state, but was rather in accord with the necessities of the time and the place conditioned by the temper of the inhabitants of each of the little communities.

Roger Williams, the first settler of Providence, whose will and council most strongly influenced the development of the settlement at the head of the Bay, had enunciated certain principles which he believed should be regarded in the conduct of political affairs. These views were of such nature as to be held dangerous in Massachusetts. He had maintained "that the natives are the true owners of the land", and that a grant from the king in England did not confer title to lands in America. He had also maintained that the spiritual and civil authorities should be wholly separated.

Acting upon his belief that a grant from the king did not confer title to land in the New World, Williams acquired title from the Indians, making a purchase from the sachems, Canonicus and Miantonomi. To this settlement came others than the original party and

<sup>1</sup>Doyle, *The Puritan Colonies*, vol. i, p. 236.

<sup>2</sup>A Defence of Samuel Gorton and the Settlers of Shawomet, by George A. Brayton, R. I. Hist. Tracts, 17.



some of these were admitted "into the fellowship of his purchase".<sup>1</sup> Apparently Williams and some of the other settlers had certain very clear ideas as to what government should not be and should not do, but they did not manifest an equally clear appreciation of what government should be and should do. Indeed, some of the settlers thought that no government could be established outside any grant of the king. At first there seems to have been no civil restraint other than that brought about by mutual consent after consultation. Of these early beginnings Williams in a letter to Winthrop, probably written in the autumn of 1636, gives an account in the following words: "The condition of myself and those few families here planting with me, you know full well: we have no Patent: nor doth the face of Magistracy suit with our present condition. Hitherto, the masters of families have ordinarily met once a fortnight and consulted about our common peace, watch, and planting; and mutual consent have finished all matters with speed and peace.

"Now of late some young men, single persons (of whom we had much need) being admitted to freedom of inhabitation, and promising to be subject to the orders made by the consent of the householders, are discontented with their estate, and seek the freedom of vote also, and equality, &c."

"Beside, our dangers (in the midst of these dens of lions) now especially, call upon us to be compact in a civil way and power."

"I have therefore had thoughts of propounding to my neighbors a double subscription, concerning which I shall humbly crave your help."

"The first concerning ourselves, the master of families: thus,"

"We whose names are hereunder written, late inhabitants of the Massachusetts, (upon occasion of some difference of conscience,) being permitted to depart from the limits of that Patent, under the which we came over into these parts, and being cast by the Providence of the God of Heaven, remote from others of our countrymen amongst the barbarians in the town of New Providence, do with free and joint consent promise each unto other, that, for our common peace and welfare (until we hear further of the King's royal pleasure concerning ourselves) we will from time to time subject ourselves in active or passive obedience to such orders and agreements, as shall be made by the greater number of the present householders, and such as shall be hereafter admitted by their consent into the same privilege and covenant in our ordinary meeting. In witness whereof we hereunto subscribe, &c."

"Concerning those few young men, and any who shall hereafter (by your favorable connivance) desire to plant with us, this,—"

<sup>1</sup>R. I. Historical Tracts, 14, p. 55.

"We whose names are hereunder written, being desirous to inhabit in this Town of New Providence, do promise to subject ourselves in active or passive obedience to such orders and agreements as shall be made from time to time, by the greater number of the present householders of this Town, and such whom they shall admit into the same fellowship and privilege. In witness whereof, &c."

"Hitherto we choose one, (named the officer,) to call the meeting at the appointed time: now it is desired by some of us that the householders by course perform that work, as also gather votes and see the watch go on, &c."<sup>1</sup>

When the government by mutual consent was no longer sufficient, owing to the growth of the settlement, a compact drawn by Williams was signed by some of those desiring to obtain the privilege of "inhabitation". This compact was apparently made about two years after Williams submitted his propositions in regard to some form of agreement to Winthrop in the letter above quoted. It reads as follows: "We whose names are here under desirous to inhabitt in ye Towne of Providence do promise to subject ourselves in active or passive obedience to all such orders or agreements as shall be made for public good of ye body in an orderly way by the major consent of the present Inhabitants masters of families incorporated together into a towne fellowship and others whome they shall admitt unto them only in civill things".<sup>2</sup> This agreement indicates a somewhat developed form of government in which the power was in the hands of a majority of the householders in their corporate capacity and also that this little settlement was making a radical departure from the ideas of the time by restricting the powers of the magistrate to "civill things". Not only did they propose to limit the authority of the magistrates to civil things, but they also proposed to secure to the inhabitants freedom of worship. The earliest case of the exercise of town authority for this purpose is in the reference to an attempt of Verin, one of the first settlers, to prevent the attendance of his wife at frequent meetings at the house of Williams. The records of the town say, "It was agreed that Joshua Verin upon the breach of a covenant for restraining of the libertie of conscience, shall be withheld from the libertie of voting till he declare the contrarie".<sup>3</sup> Thus necessity compelled the establishment of a government and Williams, the founder of Providence, determined its character by impressing upon it the idea of which he was the great exponent, namely the separation of the religious and political authorities.

It is evident that the settlers were not conscious that they were trying any great experiment that should make them deeply interested in

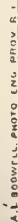
<sup>1</sup>Narragansett Club Pub. vol. vi, p. 4.

<sup>2</sup>See facsimile in Proceedings R. I. Hist. Soc. 1880-1881.

<sup>3</sup>R. I. Colonial Rec. vol. i, p. 16.

— IN —  
PROVIDENCE, R.I.

COPYRIGHT BY CHARLES W. HOPKINS, 1886.





its success, for almost from the first it was necessary to impose a fine of one shilling and sixpence upon those who should be absent from the meeting of the town "above one quarter of an houre after the time appointed by him that gives warning". Soon the burdens of what little government there was became so great that it was decided to entrust to a committee the task of devising a plan for settling the "many differances" amongst the "loving friends, and Neighbours". An attested copy of their report bears the date of July 27, 1640, and thirty-nine names are subscribed as laying themselves "downe as subjects to it". By this new form of government "five desposers" were to "meete every month-day uppon General things" at the call of "the Clerke" who was to hold office for one year. The "five desposers" were to hold office for three months. The clerk was to summon "the Generall Towne together every quarter" or if any man considered himself to have such "diference with any of the ffive desposers which cannot be deffered till Gennerall meeting of the Towne: hee may have the clarke call the Towne together at his ocationed tyme for a Triall". It was also agreed "That the Towne by the ffive men shall give every man A deede of All his Landes lieing within the boundes of the plantation to hold it by for after ages:" and that "As formerly hath benn the libertyes of the Towne: so Still to hold forth Libertye of Conscience—:" They also provide for a system of compulsory arbitration in cases where men can not otherwise agree, stating "That after many considerations, And consultations of or owne state and also of states abroad in way of Government: wee aprehend no way so sutable to or condition as Government by way of Arbetratation: But if men Agree themselves by Arbetratation: no State wee Know of disalowes that, neither doe wee: But if men Refuse that which is but comon humanetye betweene man, and man: then to compell such unreasonable persons to a Reasonable way." The "five desposers" are to see that matters are arbitrated and that decisions are carried out, even "if any person damnifie any man either in Goodes or Good name and the person ofended follow not the cause upon the ofender that if any person give notice to the five desposers; they shall call the partye delinquent to Answer by Arbetratation." They were "not to receive in: 6 :dais: in any as Townes men, But first to give the inhabetance notice: to consider if any have just cause to show against the receiveing of him: as you can aprehend: And to receive none: but such as subscribe to this or determination." In case a "hue and cry" was raised, "the whole inhabetance" was to "assist any man in the pursuite of any partye delinquent with all or best endeavours to atach him: But if any man Raise a Hubbub and there be not just cause then for the partye that Raised the Hubbub to satisfie men for their tymes lost in it." There were also other minor provisions for other cases which might arise.<sup>1</sup>

<sup>1</sup>Early Records of the Town of Providence, vol. xv, pp. 2-5.



This agreement seems to have been the form of government in accordance with which the town acted for several years.<sup>1</sup> Yet under this form it would be easy for the inhabitants to recall the authority which they had delegated to the disposers. Even a single settler might have the town act on his case if he deemed it of sufficient importance to warrant an appeal from the decision of the disposers. This system was only a step removed from the government without delegated authority. In many instances matters seemed to have been further complicated by the attempt to adopt a general system for the settlement of questions varying widely in nature. The decisions of the disposers and arbitrators were not regarded, the authority of the town itself was denied and bloodshed followed attempts to enforce law. Discord within and hostility from the neighboring colonies, where Providence was regarded as without any properly constituted authority because it had no charter from the King, at length led the settlers to consider the propriety of securing from England some confirmation of the powers they were claiming to exercise. As the settlers at Aquidneck had already decided to endeavor to obtain a charter, they joined with Providence in sending Roger Williams to England for this purpose. Williams returned with the charter in the autumn of 1644.

The beginnings of local government on the Island of Rhode Island were of a character involving more of premeditated purpose than was shown at Providence. Before making a settlement on the Island, Coddington and eighteen others drew up and signed the following agreement:

“The 7th day of the first month, 1638.

We whose names are underwritten do here solemnly in the presence of Jehovah incorporate ourselves into a Bodie Politick and as he shall help, will submit our persons, lives and estates unto our Lord Jesus Christ, the King of Kings and Lord of Lords and to all those perfect and most absolute laws of his given us in his holy word of truth, to be guided and judged thereby.

Exod. 24. 3, 4.

2 Chron. 11. 3.

2 Kings. 11. 17.”

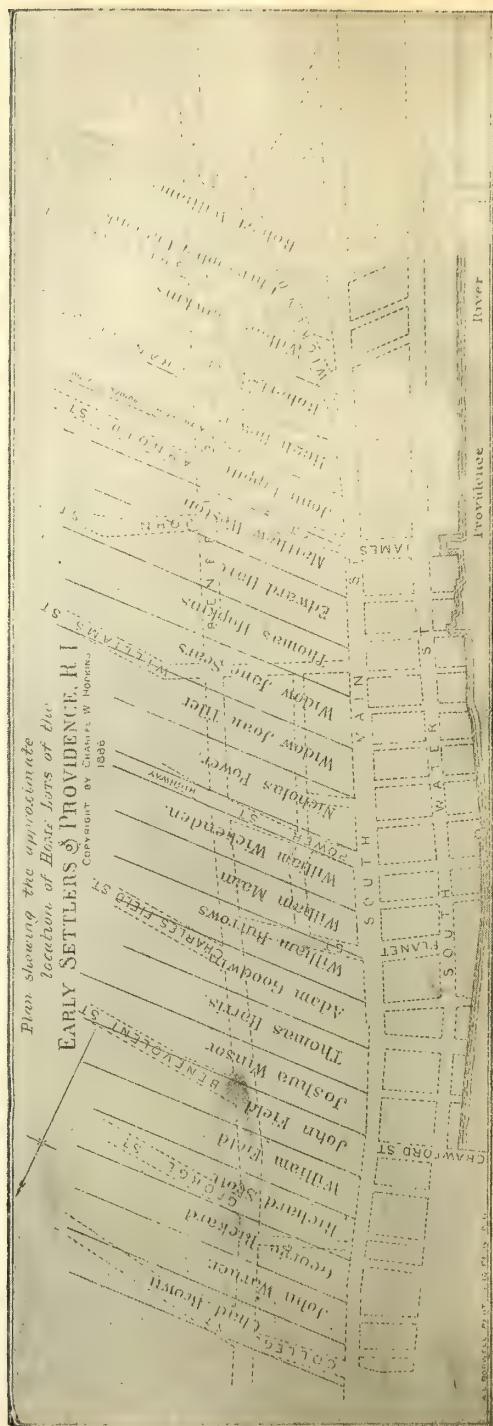
After the signatures of the nineteen settlers appears the record of the organization and institution of the government under this act.

“The 7th of the first month, 1638.

We that are Freemen Incorporate of this Bodie Politick do Elect and Constitute William Coddington, Esquire, a Judge amongst us, and so covenant to yield all due honour to him according to the lawes of God, and so far as in us lyes to maintaine the honour and privileges of his place which shall hereafter be ratified according unto God, the Lord helpin us so to do.

William Aspinwall, Sec'ry.

<sup>1</sup>Staples, *Annals*, p. 44.



I, William Coddington, Esquire, being called and chosen by the Freemen Incorporate of this Bodie Politick, to be a Judge amongst them, do covenant to do justice and Judgment impartially according to the lawes of God, and to maintaine the Fundamentall Rights and Privileges of this Bodie Politick, which shall hereafter be ratified according unto God, the Lord helping us so to do.

Wm. Coddington".<sup>1</sup>

These transactions indicate an inclination toward an early political organization and a tendency to make it somewhat religious in character according well with the usual practice in New England. The settlement at Providence had been particularly conspicuous for the absence of any such inclinations or tendencies. It was further ordered in the Portsmouth settlement, "that none shall be received as inhabitants or Freemen, to build or plant upon the Island but such as shall be received in by the consent of the Bodye, and do submitt to the Government that is or shall be established, according to the word of God". At the same meeting "It is ordered that the Meeting House shall be set on the neck of Land that goes over to the Maine of the Island where Mr. John Coggeshall and Mr. John Sanford shall lay it out". Affairs seem to have been conducted in an orderly manner in the early days of the Island settlement. The land was distributed in an equable way to the members of the "Body", the burdens of defense were distributed similarly, and quite a full list of town officers was elected almost from the beginning.

Apparently the "Judge" who had been appointed "to do justice and Judgment impartially" found occupation, for scarcely six months had passed when "At a Generall Meeting" "It is agreed that a pair of Stockes with a whipping post shall forthwith be made and the charges to be paid out of the Treasury".<sup>2</sup> At a meeting three days later "It is ordered that a Howse for a prison, containing twelve foot in length and ten foote in breadth and ten foote studd, shall forthwith be built of sufficient strength and the charges to be payed out of the Treasury". They certainly found use for the "Stockes", for within a month at least three persons were convicted of "a Riott of Drunkenness" and sentenced to occupy them. The town had previously ordered and agreed that "Will. Balston shall erect and sett up a howse of entertainment for Strangers, and also to brew Beare and to sell wines of strong waters and such necessary provisions as may be usefull in any kind".<sup>3</sup>

Not a year had passed before a more elaborate system of local gov-

<sup>1</sup>R. I. Colonial Records, vol. i, p. 52.

<sup>2</sup>R. I. Colonial Rec. i, p. 58.

<sup>3</sup>R. I. Colonial Rec. vol. i, p. 56.

ernment was established and "At the Generall Meeting of the Body on the 2d of the 11th month, 1638,

By the consent of the Body.

It is agreed.

That such who shall bee chosen to the place of Eldership, they are to assist the Judge in the Execution of Justice and Judgment for the regulating and ordering of all offences and offenders: And for the drawing up and determining of all such Rules and Laws as shall be according to God, which may conduce to the Good and Welfare of the Commonweale. And to them is committed by the Body the whole care and charge of all affairs thereof. And that the Judge together with the Elders shall Rule and Governe according to the Generall Rule of the word of God, when they have no particular rule from God's word by the Body prescribed as a direction unto them in the case". The town was to be informed at the quarterly meeting of the cases and actions which had passed through the hands of the Judge and Elders and these were "by them to be scanned and weighed by the word of Christ. And if by the Body or any of them the Lord shall be pleased to dispense light to the contrary of whatt by the Judge and Elders hath been determined formerly, that then and there it shall be repealed as the act of the Body. And if it be otherwise, that then it shall stand till further light concerning it for the present, to be according to God, and the tender care of Indulgent Fathers".<sup>1</sup> A constable was appointed to see that the peace be kept and that there be no unlawful meetings or anything that may tend to civil disturbance. There was also a "Sergeant" who among other duties was "to inform of all breaches of the Lawes of God that tend to Civill disturbances". A few months later, early in 1639, a portion of the Portsmouth settlers withdrew and established themselves at Newport. They took the records with them and apparently also took the theocratic tendencies of the original settlement for after this time there are none of the frequent references to the divine "Lawes."

Some of those who remained at Portsmouth drew up and signed a new agreement. This agreement as given by Bartlett has twenty-nine names and when the missing words are supplied reads as follows:

"April the 30th, 1639.

We, whose names are under w[ritten do acknowledge] ourselves the loyal subje[cts of his Majestie] King Charles, and in his na[me do bind our]selves into a Civill body Politicke, a[ssenting] unto his lawes according [to right and] matters of justice."<sup>2</sup>

These settlers also provide for the appointment of a judge for one year, for the addition of certain others to assist the judge, for courts

<sup>1</sup>R. I. Colonial Rec. vol. i, p. 64.

<sup>2</sup>R. I. Colonial Rec. vol. i, p. 70; see for an exact transcript, Records of the Town of Portsmouth, p. 1; also vol. i, chap. iv, this History.



and for a jury. Till the time of the Charter of 1643-4 the affairs of the settlement seem to have been carried on according to the plan agreed upon and without much friction. The reason may be that some of the elements in the population which would be more liable to disturb the town migrated almost immediately to the new settlement at Newport.

Two days earlier than the above agreement, before leaving Portsmouth, Coddington and seven others subscribed to an agreement with a view to making a new settlement. By this "It is agreed. By us whose hands are underwritten, to propagate a Plantation in the midst of the Island or elsewhere; And doe engage ourselves to bear equall charges, answerable to our strength and estates in common; and that our determinations shall be by major voice of judge and elders; the judge to have a double voice".<sup>1</sup> The following month "It is agreed and ordered, that the Plantations now begun at this South west end of the Island, shall be called NEWPORT". "It is ordered, that the Towne shall be built upon both sides of the spring, and by the seaside, Southward". The government at Newport followed along the lines which the leading settlers had adopted in their former home in Portsmouth. In the records of these early years appear provisions for the laying out of the land, burning over of the lands in the spring, keeping of hogs, common crops, keepers of the herds, and other ordinary matters. The two settlements drew together again after a little more than a year and from early in 1640 the Portsmouth records contain little more than the routine matters.

The town at the north of the Island seems to have been called Pocassett at first though it is mentioned early in 1639 as Portsmouth, and a year later after the union of the towns, "IT is ordered that the Plantation at the other end of the Island shall be called PORTSMOUTH".

At a meeting held at Newport on the 12th of March, 1640, the two towns were united under one form of government which was somewhat different from the systems which had prevailed in either of the towns previous to this time. At this time "It is ordered, that a Chiefe Magistrate of the Island shall be called GOVERNOUR, and the next Deputie Governour, and the Rest of the Magistrates Assistants; and this to stand for a decree". "It is agreed, that the Governour and two Assistants shall be chosen in one Town, and the Deputy Governour and two other assistants in the other Town".<sup>2</sup> The governor and the assistants were invested with the office of justice of peace. This new government provided for a revision of the laws, for the admission of persons as freemen, for courts to be held alternately at Newport and at Portsmouth, for an elaborate militia system, and for affairs involv-

<sup>1</sup>R. I. Colonial Rec. vol. i, p. 87.

<sup>2</sup>R. I. Colonial Rec. vol. i, p. 100.

ing the general welfare. The engagement required of officers shows the religious influences—"the ingagement which the severall officers of this State shall give is this; To the Execution of this office, I Judge myself bound before God to walk faithfully and this I profess in ye presence of God". At the same meeting in 1641, the enunciation of their ideas as to the nature of their political undertaking was made. "It is ordered and unanimously agreed upon, that the Government which this Bodie Politick doth attend unto in this Island, and the Jurisdiction thereof, in favor of our Prince is a DEMOCRACIE, or a Popular Government; that is to say, It is in the Powre of the Body of Freemen orderly assembled, or in the major part of them, to make or constitute Just Lawes, by which they will be regulated, and to depute from among themselves such Ministers as shall see them faithfully executed between Man and Man". In the next clause "IT is further ordered, by the authority of this present Courte, that none bee accounted a Delinquent for Doctrine: Provided, it is not directly repugnant to ye Government or Lawes established". Following these two weighty declarations is an order "that all such who shall kill a Fox shall have six shillings and eight pence, for his paines". They adopt a "Manual Seale" for the "State", and cover a wide range of subjects in the orders. In spite of their faith that love conquers all things, as shown in the motto adopted for the seal—*Amor vincet omnia*—the Island authorities seem to have been unable to wait for love to do its perfect work in the case of certain persons who had been members of their body and they therefore practically cast them out by withdrawing from them all the privileges and prerogatives of citizenship. From the time of the adoption of the seal, the term "State" is frequently used to designate the united colonies on the Island.<sup>1</sup>

The question of securing a patent for the Island which had been agitated at Newport before the union of the towns was again proposed in September, 1642, at the "Generall Court" and a committee was appointed with full powers. The Charter secured by Williams incorporated the towns of Providence, Portsmouth and Newport, and dates from March, 1643-1644. The towns did not immediately organize under this charter, however, and the government seems to have continued in form about as before till 1647.

Thus at Providence previous to the year 1647, even though a Charter had been procured in 1643-1644, government had since 1636 been (1) by mutual consent, (2) by the majority of the householders, (3) by the same majority with delegated authority, and (4) by the same majority with the recognition that this exercise of power in civil things was authorized by England in the grant of the Charter. At Provi-

<sup>1</sup>In 1644, "It was ordered by this Court, that the ysland commonly called Aquethneck, shall be from henceforth called the Isle of Rhodes, or RHODE ISLAND". R. I. Colonial Rec. vol. i, p. 127.

dence local government had been instituted only in such manner and to such an extent as the conditions of the settlement had rendered imperative. Here governmental action was only taken in response to necessity which had arisen and even then reluctantly. On the Island, however, the settlers seem to have been eager to provide a system of local government in advance of the need. The plan of government for the settlement at Portsmouth was drawn up before the settlement was made while the settlers were still at Providence and the form for the new plantation at Newport was agreed upon before the subscribers to it set out upon their migration. The records of the Island towns show a tendency toward a government in accord with certain preconceived theories, which is evident at Providence only in the single idea of the separation of the civil authority from the religious. At Warwick in these early days neither the influence of theory nor the evident need of the exercise of some local authority brought about any considerable organization for political purposes.

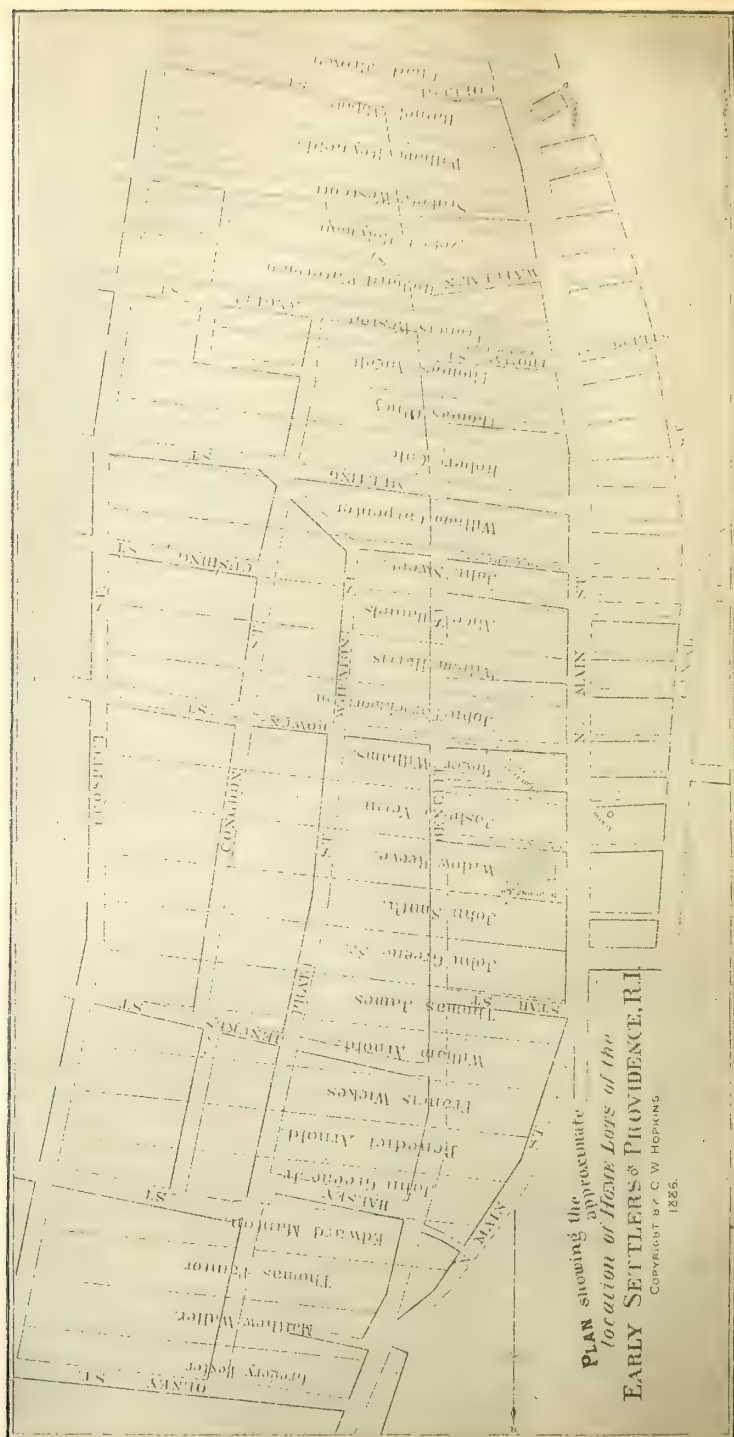
Some of the differences among the settlers at Warwick seem to have been adjusted by a sort of mutual agreement, as at Providence, for a time. Gorton says in 1643 of these early days at Warwick when replying to certain Massachusetts claims, "we being so far out of their jurisdictions, could not, neither would we acknowledge subjection unto any place where we were, but only the State and Government of Old England who only had right unto us and from whom we doubted not, but in due season we should receive direction for the well ordering of us in all civil respects; and in the mean time we lived peaceably together, desiring and endeavoring to do wrong to no man, neither English nor Indian, ending all our differences in a neighborly and loving way of arbitrators, mutually chosen amongst us."<sup>1</sup>

#### THE DEVELOPMENT OF TOWN GOVERNMENT.

It was represented to the Earl of Warwick and the Commissioners that it was the desire of these towns in procuring a charter to have "their hopeful Beginnings approved and confirmed, by granting unto them a Free Charter of Civil Incorporation and Government; that they may order and govern their Plantation in such a Manner as to maintain Justice and peace, both among themselves, and towards all Men with whom they shall have to do".<sup>2</sup> Accordingly there were granted to the "Inhabitants of the Towns of Providence, Portsmouth, and Newport, a free and absolute Charter of Incorporation, to be known by the Name of the Incorporation of Providence Plantations, in the Narraganset-Bay, in New England.—Together with full Power and Author-

<sup>1</sup>R. I. Hist Coll. vol. ii, p. 96; see also chapter on Warwick, vol i, this History.

<sup>2</sup>R. I. Colonial Rec., vol. i, p. 144.



PLAN showing the  
 approximate  
 location of HOME LOTS of the  
**EARLY SETTLERS OF PROVIDENCE, R.I.**  
 COPYRIGHT BY C. W. HOPKINS  
 1885.



ity to rule themselves, and such as shall hereafter inhabit within any Part of the said Tract of land, by such Form of Civil Government, as by voluntary consent of all, or the greater Part of them, they shall find most suitable to their Estate and Condition; and, for that End, to make and ordain such Civil Laws and Constitutions, and to inflict such punishments upon Transgressors, and for Execution thereof, so to place, and displace Officers of Justice, as they, or the greatest Part of them, shall by free Consent agree unto". All laws, etc., were to "be conformable to the Laws of England, so far as the Nature and Constitution of the place will admit". This was indeed a "Free Charter of Civil Incorporation and Government". These settlers along Narragansett Bay who had formerly had, according to Lechford, "a kind of government also of their owne erection", by this Charter obtain full authority for the free exercise of the broadest civil powers. Williams, in a letter to John Whipple, jr., August 24th, 1669, speaking of the time before the charter was secured, says, "our Government and Civil order which, at first, both here and at Rhode Island, we kept up upon Grace and Favor (until God pleased to help me to procure a charter from the Parliament), was all mere nothings and nullities and we lived in no order but Rout". That government without a charter was a "mere nothing" seems to have been the opinion at Warwick. The charter doubtless gave to the towns a feeling of security and legal standing which had hitherto been wanting.

The acts of the towns after the grant of the charter became legal in the eyes of their neighbors and the settlements along the Bay had now an element of stability which they had not before possessed. In this region the settlements had preceded the charter or other governmental agreement. In the other New England Colonies some charter or other compact had formed the basis of governmental organization from the time of the beginning of the settlements.

While the towns did not at once unite under the new charter, they very soon began to take individual action which recognized its binding force. At Providence, under date of "The 19th: of the 11:th Month, 1645", those who had received twenty-five acres of land and a proportional right of "commoning" "promise to yield Actiue; or passiue Obedyience, to the Authority of (The State of England) (King, and parliament,) established in this Collonye; according to our Charter";<sup>1</sup> The King and Parliament were also recognized in official documents at a date soon after the granting of the charter.<sup>2</sup> It is said that the charter was joyfully received by Gorton at Shawomet as giving them the power to establish a local government.<sup>3</sup> Till 1647 the towns, which from 1643 had carried on governments independent of each other

<sup>1</sup>Early Records of the Town of Providence, vol. ii, p. 29.

<sup>2</sup>Early Records of the Town of Providence, vol. xv, p. 9.

<sup>3</sup>Brayton, R. I. Hist. Tracts, no. 17, 110.

though authorized by the mother country, made little change in their local organization in consequence of the charter.

In 1647 representatives of the inhabitants from the towns about Narragansett Bay assembled at Portsmouth to form a union under the charter which had been obtained more than three years before. Nominally this action which united the towns in a loose confederation was the act of the inhabitants of the towns, as the records declare that there was full power to transact because the major part of the colony was present at the assembly. By this assembly it is agreed that as the charter gives power to establish a civil government, "that the forme of Government established in *Providence Plantations* is DEMOCRATICALL; that is to say, a Government held by ye free and voluntarie consent of all, or the greater parte of the free Inhabitants".<sup>1</sup> The representatives from Providence had been instructed to the effect that while their townsmen "doe voluntariely Assent, and are freely Willing, to receiue, and to be goverened by the Lawes of England, together with the way of the Administration of them, so farr as the Nature, and Constitution, of this plantation will admitte; desiring (so farr as possibly may be) to hold a Correspondenye with the whole Colony", yet the Providence citizens formally state the desire "to have full power, and authoritye, to transacte. all our home Affaires", and "to have full power, and Authoritye, to Choose, orday ( ) Authorize, and confirme, Al( ) our perticular towne Officers; and allsoe that the said Officers, shall be responsible vnto our perticular Town( ) And that there may be noe inter mixture, of Generall, & perticular Of( ) but that all, may knowe th( )e bounds, & Limits".<sup>2</sup> Under restrictions such as these it was not possible to establish a centralized general government which would have great strength. "Providence Plantations" became the legal name for the colony and Providence merely one of the towns. The orders confirmed at this assembly of 1647, often called "the Code of 1647", were the product of the intellect of the Island and bear the stamp of the tendency toward systematic organization which prevailed on the Island in marked contrast to the lack of system throughout the other towns.

By this "Code of 1647" the towns were confirmed in their general liberties and given a more definite legal system than they had earlier possessed. The towns retained nearly all the powers which they had had before. They were entitled to representation in the General Assembly. It was provided that the representatives of the towns in the General Assembly, the Assistants, should be "conservators of the peace in the same Towne where they live and throwout the whole Colony".<sup>3</sup> A General Court was established, to which could be referred cases

<sup>1</sup>R. I. Colonial Rec. vol. i, p. 156.

<sup>2</sup>Early Records of the Town of Providence, vol. xv, p. 10.

<sup>3</sup>R. I. Colonial Records, vol. i, p. 192.

appealed from the local courts, differences between town and town, between inhabitants of one and another town and between citizens and strangers. No law could be imposed upon any town by the General Assembly, for if the major vote of any town was against any law that had been proposed in the Assembly, it failed, and all laws must be submitted to a vote of the towns severally before they could be passed. A union which had no stronger bond would fall apart under strain as happened a few years later. As has been said of the Colony, "It had its origin in towns which were politically independent. And that same spirit of independence was transmitted to the colonial organization".<sup>1</sup>

Under the Charter of 1643-4 and in accordance with an order of 1647 each town of "Providence Plantations" was to elect a Town Council to consist of six men, also to appoint surveyors of the highways and military officers and "to provide carefully for the relief of the poor, to maintain the impotent and to employ the able". Of this Town Council, Callender says: "Each town chose a Council of six to manage town affairs, having trial of small cases but with appeal to court of the President and Assistants".<sup>2</sup> Lechford says of New England in general, "every towne almost hath a petie court for small debts and trespasses under twenty shillings",<sup>3</sup> and also that "Probates of Testaments and granting of Letters of Administration are made and granted in the generall or great quarter Courts".<sup>4</sup> The power of probate resided for a time in the head officer, who, together with the two town deputies and three men chosen by the town, made up the Council. Unlike those towns where the powers of probate resided in the "general or great quarter Courts", at Providence the Town Council itself was a kind of court of probate in which the assistant was judge. Chief Justice Durfee says, "The town councils of the several towns were from the first courts of probate".<sup>5</sup> The "Code of 1647" infers that it is the duty of a property-holder to dispose by will of his possessions, and if he fails to do this, the Town Council is to draw up a form of will in accordance with which it is to be divided. This function of the Town Council of Providence seems to have been exceptional. An entry in the town records shows that still other judicial powers were entrusted to the Council. "The Progresse in Law: First all actionabl Cases shall be tried by 6 Townesmen as in ye Nature of a Jury: Yet with ye Libertie of not being Put on Swearing: & these 6 Men to be Pricked downe by ye Town quarterly, & warnd 3 dayes before the Court by ye Seargeant to be ready at ye day & hower appointed Vnder

<sup>1</sup>Foster, *Town Government in Rhode Island*, J. H. U. Studies, vol. iv, p. 89.

<sup>2</sup>Historical Discourse.

<sup>3</sup>Plaine Dealing, p. 25.

<sup>4</sup>Plaine Dealing, p. 39.

<sup>5</sup>Gleanings from Judicial History of R. I., p. 32.



ye Penaltie of 3s for ye Neglect''.<sup>1</sup> Occasionally appeals are taken from the Council's decision, and the question is brought before the town meeting. The decisions were sometimes submitted to the town for confirmation.<sup>2</sup> Ignorance of the law, in some instances, seems to have been a sufficient ground for acquittal in cases brought before this court.

Besides its judicial powers the Town Council seems, previous to 1663, to have had a general oversight in the care of the poor, to have regulated such military arrangements as the town undertook and to have granted licenses. Through the town deputies the Council was brought into a kind of advisory board for the laying out of lands and highways, and sometimes they considered the advisability of admitting to inhabitation such as had taken up their residence within the town limits. Through the assistant who represented the town in the General Assembly, and was ex officio a member of the Town Council, this body was brought into closer relation to the central government and obtained a better knowledge of state affairs. Many matters requiring official action and not of sufficient importance to warrant the calling of a town meeting were left to the Council.

The local government in these early days was in the hands of the freemen and such as they should admit to their number. All the towns provide for the reception of new members. In 1640, the towns upon the Island agreed "that if there shall be anie person found meet for the service of the same, in eyther Plantation; If ther be no just exception against him, upon orderlie presentation, he shall be received as a freeman thereof". At Providence the regulations in regard to the exercise of the franchise varied from time to time, though the general tendency was to place a strong emphasis upon the holding of land as a qualification for voting. Land questions occupied a large portion of the attention of the town assemblies.<sup>3</sup> At Providence the proprietors became a distinct class and held meetings apart from those of the freemen in general.<sup>4</sup> These proprietors succeeded to the rights to the common lands and made orders in regard to their management and distribution.<sup>5</sup> Staples says that the proprietors held meetings at Providence as late as 1836.

The grant of a charter to Providence in 1649 and to Warwick at the same time does not seem to have had any particular influence upon the government in either town. This action of the General Assembly was little more than a confirmation of the acts which the town might perform, as the General Assembly reserved only "power and authoritie so

<sup>1</sup>Early Records Town Providence, vol. ii, 85.

<sup>2</sup>Early Records Town Providence, vol. ii, 108.

<sup>3</sup>Dorr, R. I. Hist. Coll. ix.

<sup>4</sup>Staples, Annals, p. 351.

<sup>5</sup>Moses Brown Papers, March 13, 1722-23.



to dispose the generall governmente of that plantation as it stands in reference to the rest of the plantations, as they shall conceive, from time to time, most conducing to the generall good of the said plantations."<sup>1</sup>

Another complication in addition to the claims of Massachusetts and Plymouth to portions of territory along Narragansett Bay was introduced when in 1651 Coddington obtained a commission from Parliament making him Governor of the Island towns. This separated the towns, and those on the mainland acted together while those on the Island were brought for a time under a new system. Williams and Clarke as representatives of those who desired the union of the towns to continue were sent to England to obtain a confirmation of the early charter. Their mission was successful and the Charter of 1663 more carefully defined the relations of the general and local governments as well as established with a considerable degree of precision the boundaries of the colony. The colony was also given its name, which so clearly marked the individuality of the towns, "The Governor and Company of the English Collonie of Rhode-Island and Providence Plantations, in New England, in America". On March 1st, 1663-1664, it was ordered "That each towne is impowred to apoynt a day for election of ther towne officers, and to elect as to chouse Towne Counsell men, soe many as to make vp sixe with the Assistants of each towne, as alsoe Clarke, Tresurer, Constable and Sargent; and that the sayed officers shall receive ther ingagement from one of the Assistants".<sup>2</sup>

Other orders made in putting into operation the Charter of 1663 show the gradual enlargement of the authority of the general government. Some of the duties formerly performed by strictly local officers were now performed by the general officers. The courts established by the colony for a time assumed some of the functions formerly belonging to the town courts. Then the growth of general colonial business seems to have more and more occupied the attention of the general officers and the local business was again left to the town officers. The Town Councils seem to have gained in importance and to have taken upon themselves the settlement of such questions as were not of sufficient gravity to warrant the calling of a meeting of the town. Before the Charter of 1663, the Town Council heard minor cases, had the power of probate, had the oversight of the poor, carried out military arrangements, granted licenses, and performed many routine duties for which a meeting of the town was not necessary. An inhabitant who thought himself injured could, however, generally obtain a hearing from the town in meeting assembled. After the adoption of the Charter of 1663 the Town Council should consist of such a number as

<sup>1</sup>R. I. Colonial Records, vol. i, p. 214.

<sup>2</sup>R. I. Colonial Records, vol. ii, p. 27.

with the Assistants, who were *ex officio* members, would make up six. At Providence the number was increased to nine in 1681 thus making the town representation double that of the general government.

The Assistants who were *ex officio* members of the Town Council as well as officers of the general colonial government had certain functions which came from this mixed character. They performed the acts of justices of the peace in regard to matters of probate and minor judicial affairs, marriages were celebrated before them, they appointed officers for the maintenance of the general peace, and the Assistants administered the engagement or oath of office to the more important town officers. Here was an "inter mixture" of general and particular officers which the inhabitants of Providence had instructed their representatives to guard against in 1647. The wisdom of the Providence settlers was acknowledged in the law of 1729 by which this membership of the Assistants in the Town Council was discontinued. This custom had made it possible for the Assistants to act upon the same case in both the local and the general body, which was contrary to any sound ideas of government.

#### TOWN COUNCILS.

Throughout the Colony the Town Councils gradually assumed new functions. Many duties formerly performed in the town meeting were left to the Council. An act of October 28th, 1677, more definitely prescribed the probating of wills: "Whereas by a Law of this Colony in ye Letter thereof in ye Said Law bareing date in ye year 1647 ye Law Saith ye Probat of wills was to be before the head Officer wch sd name in ye sd Law by ye present Constitutions is Extinct & by reason of Differance in Oppinion Probation of wills is deffered & for yt ye thing is as Waity as to make a Will for ye Dead Dying without a Will & ye sd Supposed head Officer may be in his own Case therefore Bee it Enacted yt ye Power of Probation of Wills Shall be in ye Town Counll or majr part of Each to wch it doth belong". Licensing authority is similarly committed to the Town Council and an act of May 5, 1680, provides "That ye Town Counsell of Each Respective town Vilage or Place or majr part of them on Legall Warnings & meeting are hear by authorized to grant Licenses & to Suppress any Person that Shall Sell by Retail as aforesaid without or Contrar To there order & yt ye Offender or Offenders shall be liable to be dealt wth all According to ye Laws of England & Pay for ye first offence a fine of forty Shilings for their Transgression in or as money but in case ye Respective town Councils neglect then two Majestrates Upon Just Complaint are authorized to give license as well as to Suppress those yt disorderly Sell Drink as aforesd any law to ye Contrary hereof in any wise notwithstanding". Cranston seems to have provided for a special session

of the Council for this purpose, as on such occasions this phrase occurs, "this being the Day for Granting Licenses to the Tavern Keepers". At a meeting of the Town Council of Jamestown, August 19, 1701, it was "Ordered that the Clerk give Thomas Parker a License to keep a publick house of Entertainment for one whole year from the Date of these presents by paying Seven Shillings and Sixpence to the Clerk of this Counsel and allso giving Compound Bond to keep good Orders in his house, the Clerk to sign & Seal his License by order of the Counsel". The Town Councils carry out the wishes of the town as at Portsmouth "June the first:1647. At a towne metinge it is ordered that the towne Councell shall Capitulate with Thomas Gorton aboute the ferrie & order the rates and all things aboute it either with hime or some other man if he refuse.

The 2i of June 1647

It is ordered and agreed by the towne Counsell accordinge vnto ye order of ye towne mr Sannfford haueing taken ye ferrie ye ( ) ordered as thus followeth that is to say if one man 4*d* if more 3*d* apeece for ever horse & great beast 8*d* apeece for every sheepe goate & hogge & Caulfe 2*d* apeece and also it is ordered that a boat mr. Sannfford shall provide for ye ferrie with in 15 dayes after ye date hereof & alsoe in convenient tyme to provide a boat sufficient boat for Cattell & alsoe it is ordered that if any man carry any cattell over ye watter to ye mattatu(uth)es bay over ye ferry they shall pay a peny a head every head soe carryed oor to any place that waye".<sup>1</sup> The Town Council at Jamestown co-operates with the proprietors and freemen as appears "Att a Meeting of the Town Consell of Jamestown the 5th day of July 1701 Meett att the house of Stephen Remmentun Wee the Present Concill with the proprietors & freemen see grate Necesity for preventing of any parson or parsons belonging to the Town of Kingstown or any other parson or parsons that are Not Conserved In the Iland Caled Duch Island should put over Rames or any other Creatures to pre-didish ye bovesd Town Intrest Wee do hereby Enact and declare that by the thority of the Same Above Exprest that if any parsons what so ever shuld presume to put our sd Iland except them that are Conserved that the sd Creatures that are put on shall be feeth over to the aforesd Town By the authority and Clapt in to the pound and there to Lie tell the Masters of such Creature Redeams them & pays all the Charg that doth arise Any act to the Controary not with Standing Daved Green & Stephen Remingtun are the two parsons apointed to see if any thing be put on ye sd Iland & if there bee they are to Make return to the Justices or Wardens of sd Town That there may be sum spedy care taken that such offender may be delt with According to Law."

<sup>1</sup>Records of the Town of Portsmouth, p. 34.



The powers of the town council were outlined in another respect by the legislature, October 5th, 1682: "Voted, Whereas it hath been motioned in this Assembly by some of the Deputys of the towne of Providence, that they would please to give their result how far the power of a Towne Councill doth or may extend to the rejection of any person or persons, that may come into any towne or place in this Collony.

In answer thereunto, wee doe declare, that it is in the power of any Towne Councill as aforesaid, to reject any person, although a free dennison, unless sufficient bond be tendered and given by the party being called before them, according as the major part of the Councill shall judge meet; but in case the major part of the Councill see cause to warne any such person or persons to depart the towne by such a time as they shall prefix, and he, she or they neglect or refuse soe to depart, then the Governor, Deputy Governor, or any Assistant, Warden, or Conservator, living in or neer said towne or place, upon request, shall grant forth their warrant to the Constable to remove him or them out of the towne or place. But if notwithstanding this he, she or they shall presume to returne againe without leave as aforesaid, they shall pay a fine at the discretion of the major part of the Councill, not exceeding five pounds; or in default thereof, suffer punishment, not exceeding twenty stripes for his or their contempt; and as often as they doe returne after warning, this to be executed without wager of law, and to be executed by a warrant from any of the Justices, Wardens, or Conservators aforesaid, according to the times appointed in the warrant; any law to the contrary hereof, notwithstanding". In 1737 an act was passed enabling town councils of the several towns to receive or reject any persons from being inhabitants of the same.

The town councils acted as boards of health and in 1748 their duties in regard to small-pox cases were enumerated much in detail even to granting "permission for inoculation for small-pox". The fear of the spread of small-pox led to vigorous action in various towns, of which the careful provision for a case in 1760 is an example: "Whereas due proofs hath this Day been made to us the said Town Council that Abraham Lockwood now Residing in Said Cranston is now breaking out and lies Sick with the Small Pox at the Now Dwelling House of Mr. Josiah Westcot in Said Cranston who is likely to Suffer for want of Some proper Persons to nurse and Loock after the Said Abraham if proper Care be not Emeideatly taken where upon this Council do vote order appoint & requier Peleg Westcot of said Cranston Labour upon notice here of Emeadeatly or as Soon as Possable to repair to the afd house and there take upon him with Such others as shall be appointed by this Council the burthen of Nursing and Loocking after the Said Abraham Lockwood and further to use the utmost of his Skill and ability to hinde and Stop the Said Enfetion Spreading any farther."



“Dec. 12, 1760.

“This Council do Vote order and require John Dyer of said Cranston and he is hereby ordered and requiered forthwith or as Soon as may be at the Corst and Charge of Said Town to procure and provide a Suiteable Box and lodge the Same at Some Conveanant place in Sd Town for the Carreying or removeind Such person or persons that Shall hereafter be taken Sick of the Small Pox to that hous where the afd Abraham Lockwood Now Lys Sick of the Said Small Pox or to Some other Conveinant house as the Council shall Judge proper and Suateable for the nursing and Looking after the Sick”.<sup>1</sup> The Council was also to have charge of the removal of nuisances.

In the eighteenth century by various acts the council was empowered to lay out highways under certain conditions as shown in the act “That the proprietors of the lands in each and every town in this State, shall lay out suitable, necessary and convenient highways within their respective properties, from town to town, and to mills and markets, and generally wherever they may be wanted. And all highways duly laid out and approved by such proprietors, and recorded in their records, shall be good, binding and valid, as though laid out and established in any other manner whatsoever.

Sec. 2. *And be it further enacted*, That if it be found necessary that other highways be laid out in any town, besides such as have been or shall be laid out by the proprietors as aforesaid, in every such case it shall be lawful for the Town-Council of such town, to order a highway to be laid out so far, and through such part of the same town, as they may judge necessary.”

In 1763 the councils were to make regulation for an as-size of bread.<sup>2</sup> The functions of a town council are seen in the range of subjects considered at Cranston from the time of its incorporation, June 14, 1754, for the balance of the year. Such entries as the following appear in “Town Council Book No. 1. The gift of Thomas Cranston to the Town Called Cranston in the County of Providence 1754. The first Town Council Book for Recording The Proceedings of the Town Council of Cranston; and Registering wills and Inventarys 1754.”

“Att a Town Council Held in Cranston in the County of Providence & Colony of Rhode Island to the 7th day of August A. D. 1754.”

Present six members.

“An inventory of ye Goods Chattels and Movable Estate of Mr. John Weaver Late of said Cranston in ye County aforesaid yeomen Deceast who Departed this Life July the first In the year above said: Being Exhibited to said Council; was by Them proved and allowed;

<sup>1</sup>Book I, Records of Town Meetings, Births, Marriages, Deaths and Ear Marks. Cranston. p. 119.

<sup>2</sup>Laws of R. I. 1798, p. 380.

and the widow to whom ye Right of Administration belonged personally appeared & Refused to administer: whereupon administration was Granted to Elisha Weaver of said Cranston in ye County afore said yeoman in ye County afore said yeoman Son to the Deceased: and Mr. John Weaver of Westerly in ye County of Kings County and Colony aforesaid yeoman and Mr. Jonathan Weaver of said Cranston appeared his Sureties for his true and faithful administration: who were allowed and Excepted by said Councill Bond Given."

Then follows the inventory and letter of administration.

At a later meeting "Saturday ye 17th Day of this Instant August at the house of Thomas Fenner Junr of sd Cranston Inholder."

"The Town Council of Cranston: at this Meeting Separated Such of ye Inhabitants of said Town as they Judgd quallified to Serve as Jurors at ye Severall Courts in said County annually in order to be put into ye box and Drawn according to Law."

"It is further Determined and ordered by said Councill: That ye Surveyors of ye Highways Shall Present their severall Districts already Setled by ye Town Council of Providence to the Town Clerk of Cranston in order to be Recorded and to proceed with ye Same authority as before."

"On September 28th four men were "Licenced to Keep Publick ale Houses and Victualing houses for which they all paid £24—0—0."

"It is voated and ordered by the Town Council: That one Robert Gray a Late Resident in providence and Cranston: Should be Sighted to appear before the Town Council of sd Cranston at their Next Meeting: In order to be Examined ye Reason of his Not Departing said town agreeable to his Repeated Promises."

At the meeting Dec. 25, 1754, "Petetion was preferred to this Council Signed by Mr. Gideon Comstok for Removing a Highway in sd Cranston Near where ye said Comstock now dweels which was by ye said Council Granted and allowed."

"Capt John Dexter of sd Cranston Moved to sd Council To have one Jonathan Williams Son to Stephen Williams Decet: an Infant under ye Age of fourteen years: bound unto him apprentice Till he arrive to ye age of twenty one years for which Service he is free to be obliged to Teach and Instruct him to Read wright and Cypher as far as ye Rule of Three: and to Learn him ye Trade or Mistery of a Cordwiner: and at ye Expiration to Give unto him one New Suit of appariel: besides his Every Day appariel: In Consideration whereof ye said agreed ye said Motion should be Granted: and that ye said Jonathan Williams should be bound apprentice Agreeable to ye Laws of this Colony". Such references as that to the "*Mistery* of a Cordwiner" suggests mediaeval labor conditions. The councils could admit or exclude as when "Mr. Solomon Ruttenburg Joseph Woodland John Edwards: John Easton an Indian fellow Tim Law alias hager a Molatta Daniel

Spywood an Indian & Bette Brown a Squaw all ordered by ye Town Council: To be warned to Depart out of said Town of Cranston and that ye Clerk of ye Council Grant forth a warrant to ye Town Sergeant for ye purpose aforesd''. The Council could also certify the legal residence of inhabitants as on March 3, 1755: "Mrs. Phebe Smith widow & Mrs. Wm Carpenter were Granted Certificates one to Warwick & the other to providence: whereby this Council hath acknowledged them to be proper Inhabitants of the Town of Cranston''.<sup>1</sup> They also receive such certificates of legal residence as shown in the form recorded in the following month: "To the Honourable ye Town Council of Cranston in ye County of Providence Held by Adjournment ye 15th Day of April A. D. 1755; I the Subscriber haveing of Late Removed into sd Town of Cranston with an Intent therein to Settle; Do Declare that I was born in ye Town of Rehoboth in the Province of ye Massechusett bay in New England and my Last place of Legal Settlement was in ye Town of Scituate in ye Colony of Rhode Island aforesd: And as to ye Number of my family it is None at present but my Self. Witness my hand."

"To the Honble Town Council of the Town of Cranston in County of Providence &c Gentll These May Certifie you that we do own and acknowledge Peter Arnold who hath lately Removed from our Town into your Town to dwell to be an Inhabitant of our Town and will at any time hereafter Receive him as Such unless he shall obtain a legal Settlement elsewhere Signed by order of Council this 16th day of June 1755." Sometimes the following was the procedure. Six men "all of said Cranston Personly appeared at this meeting and produced their Sevrial Deeds or titles to their Land in open Town Meeting and was Entered propounded in order to be admitted free".<sup>2</sup> Thus the functions of the town councils increased rapidly from the early colonial days till at the present time, the simple enumeration of references to the councils in the late laws of the State covers several pages of the index. The powers range from such as above mentioned to the regulation of the licensing of dogs.

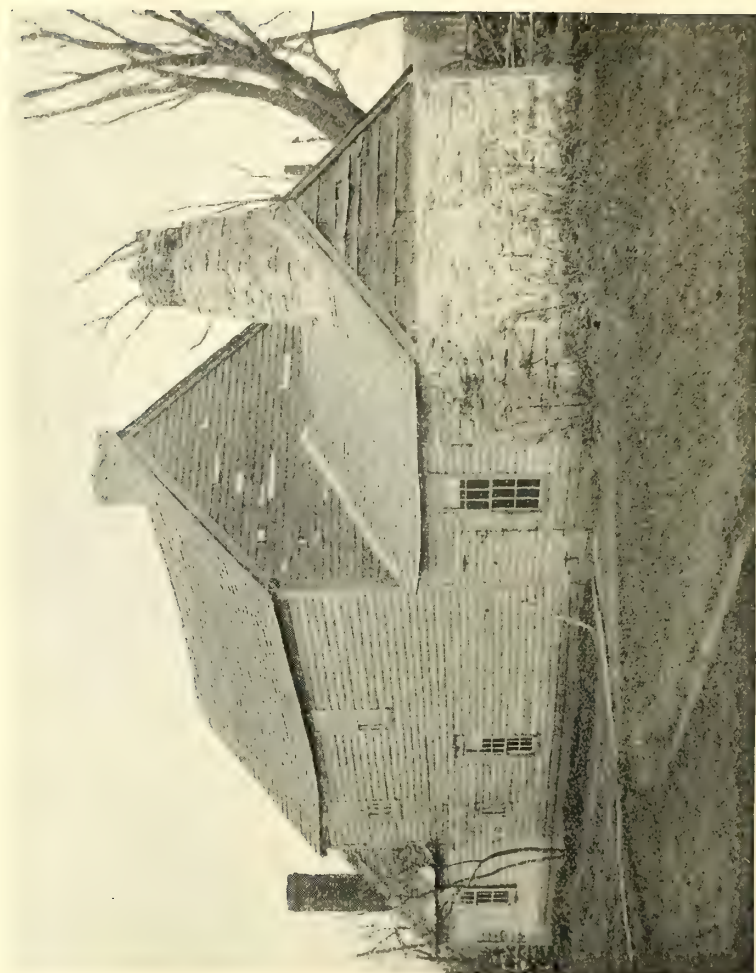
#### TOWN OFFICERS.

In some of the sections later incorporated as towns there had earlier grown up forms of control of local affairs. This was the case in those sections which had been outside the limits of existing towns. Block Islanders had been a law unto themselves from the time of settlement in 1662 until they received their charter ten years later. Indeed they were at first in doubt whether they were within the jurisdiction of Rhode Island or of Massachusetts. The Rhode Island authorities desired to put them at rest on that subject and at the session of March

<sup>1</sup>Town Council Book I, p. 10.

<sup>2</sup>Ibid, p. 46, Jan. 10, 1763.





SAYLES HOUSE, SITUATED ON SAYLES HILL, NORTH SMITHFIELD, R. I.  
ERECTED ABOUT 1680. THE HOME OF RICHARD SAYLES, THE FIRST TOWN CLERK  
OF SMITHFIELD IN 1730.



1st, 1663-64, it was "Resouolved by this Assembly, That the Governor and deputy Governor be desired to send to Block Iland to declare unto our frends the inhabitants thereof, that they are vnder our care, and that they admitt not of any other to beare rule over them but the power of this Collony". The inhabitants were desirous of knowing the will of the Colony and in response to their petition "the Court doe apoynt Mr. Roger Williams, Mr. Thomas Olney, and Joseph Torrey to draw vp ther thoughts to committ to the farther aprobaton or correcting, as commissionating them in poynt of preservation of his Majestyes peace ther". At the May session of 1664 they sent a letter in regard to the affairs at the Island and declare "It is therefore thought fitt and necessary by this Generall Assembly to settle and establish a way and order (vntill farther order be taken) of presarving the King's Majestyes peace, and of administering his equall justice vnto all his loyall subjects vpon the Iland aforesayd, for the honour of his Majesty and the bennifite and comfort of his loving subjects in such a remote condition.

It is therfore thought fitt by this Generall Assembly by these presents to ordayne and appoynt, that three able and discrete men of the inhabitants aforsayd, whereof James Sands and Thomas Terry shall be two, who are hearby impowered to call the inhabitants together and requier them in his Majestyes name to choose a third; which three men, or any two of them agreeing, shall have power from time to time to call the inhabitants together vpon all emergant occasions for ther common publicke affaires; as alsoe to grant warrant in his Majestyes name for ther hearing and determining of all causes not exceeding the value of fortye shillings; as alsoe to grant an appeal to any parsone grieved with ther sentence, taking bond for ther prosecutinge ther appeale in his Majestyes Generall Courts of Triall in this Collony, and of satisfying the sentence and charges therevnto belonging and following; as alsoe in all actiones of the value of above fortye shillings, it shall be lawfull for, and incumbant vpon any one of the sayd select men, to give forth writt or writts to such as requier the same: for the ataching the parson or parsones or goods of the parson; which writt shall be served by the Constable that shall be therto requiered, and hee shall take sufficient bond or security for the defendants appearance, and answering the plaintiffe at the Generall Court of Trialls holden for this Collony, in which such actiones are to be tryed; and the sayd Constable to make returne of such bonds to the officer that granted the writt; as alsoe the plaintiffe and defendant shall to the sayd officer put in ther declaration and answer in manner and time as by law is ordered, and that the sayd officer cause the sayd bonds, declaration and answer to be returned to the Generall Recorder, at or before the Court to which they referr: and in all criminal causes the sayd three men or any two of them agreeing, are hearby impowered to grant forth warrants, and to cause to be brought before them any of the inhabitants

there abiding, or strangers amongst them, complaining or complained of, as they see cause vpon examination to bind over such parson or parsones to answer at the Generall Court of Trialles to be held in his Majestyes name from time to time in this Collony''. Thus the little group on the Island were granted extensive privileges. James Sands and Joseph Kent, inhabitants of the Island and freemen of the colony, having petitioned that seventeen others be admitted, "being demanded if they the sayd James Sands and Joseph Kent did know that all the forenamed parsones weare men of peaceable and good behaviour, and lyckly to prove worthy and helpfull members of the Collony, they answered yea: whereupon the Court, on caution and instructiones given to the sayd petitioners, have accepted and admitted all the sayd inhabitants aforementioned, to be free of this sayd Colony, or soe many of them as shall give vnder ther hands in writing, according to the instructions given aforementioned, excepting only for the present, Mr. Hugh Williams, concearning whom the Court desier, that before hee be admitted into the sayd freedom of the Collony, hee doe repaire by the first convenient opportunity vnto the Court, or to the Governor, deputy Governor, and Assistants, of Newport and Portsmouth; or to such of the sayd Assistants as with the Governor and deputy Governor doe assemble at such a meeting, when the forenamed Hugh Williams is expected to give satisfaction, or make at least vnto certaine matters that some months since have ben or declared or reported vnto the Governor, deputy Governor, &c., concearning some words vsed or exprest, tending to the reproach or scandall of this goverment; and vpon the hearing of the sayd Mr. Hugh Williams, and his giving or making answer satisfactory in, and concearning the premises vnto the Governor, deputy Governor, &c., they are requested to accept and admitt him a freeman of this sayd Collony; they seeing cause soe to doe; and such as are admitted, ther names are to be returned, and in order as admitted''. Thus seriously did the General Assembly care for its dignity and privileges. The following year in 1665 the General Assembly again considers the condition of the Islanders with leniency, as shown in the record, "The Court having taken cognizence of some sent as deputies from Block Island to sitt in Court, they having had incorradgment from this government that such priviledges they might expect if they followed the instructiones given them by the Assembly in order to legall and orderly proceedings therein: in which matters there hath been some neglect on their parts at Block Island, in some circumstances, the which is by them owned to be a failing only of ignorance, having not had any experiance of the manner of proceeding in this jurisdiction, haveing mostly lived in other places where the proceedings differ somewhat from this; and they desiring that their weakness may be rather covered than too severely noted, soe far as to hinder the expectation of the inhabitants, which may hazard their state, if their

deputyes be not admitted, considering the very great straights that doe attend them in that desolate place, for want of counsell and advise how to demeane themselves respecting some late changes happening as to the tenure of their possessiones, and difficulty of being acquainted with the manner of proceedings in this Collony, by reason of the remoteness from and danger in repairing to these parts, all of which may very happily be remedied; and they probablye relieved and better informed if admitted by the deputyes to consult with and receive advice in the Generall Assembly. They furthermore promise they will not take incorradgment to neglect such orders as are given them by being now overlooked, but will more studiously mind to vnderstand and take care to follow the instructiones given them by the Court. Thereupon the Court declare and order, that Block Island freemen, hereafter following the orders given them as aforesaid, in due proceedings in electiones and meetings orderly called and manadged, shall have the liberty from time to time to send one or two deputyes to the said Assemblies if they see cause."

At length in November, 1672, the town was incorporated under the name of New Shoreham. By its charter it received authority to elect two "Wardens", a "head Warden", and a "Deputy Warden", who with "three wise, honest men" whom the freemen of the Island might choose, should constitute "the Town Councill, to have like authority as other Towne Councils have". These "three wise, honest men" were at first called Assistant Wardens and sometimes "First Townsman, Second Townsman", etc. The town naturally did not grow very rapidly. Only twenty-seven names appear on the list of freemen in 1678, and twelve years later only twelve names have been added to the list. The government of the Island was often little dependent upon that of the Colony in early days and sometimes performed functions regarded in other towns as belonging to the general government. This was particularly true when on August 14, 1779, while cut off from the main land by the disturbances of the Revolutionary War they passed the following regulations: "First, That two assistant wardens be elected, and to have the same power as the head warden formerly had—the three to transcend the town charter, in judging of actions involving more than '*forty shillings*', and also in deciding upon criminal actions.

"Second: That said wardens be a civil court to determine all civil and criminal actions without appeal; and in trials for life said wardens to summon to sit with them six freeholders, making a court of nine, a majority of whom made the decision final, *without appeal*.

"Third: Said freeholders to be finable £20 each for absence.

"Fourth: That said court be guided by State laws as far as possible, *except in trial for life*, in which case proceedings were to be 'according to law and evidence.'



“Fifth: When there were no laws to guide the wardens they were to act according to the best of their knowledge of the laws of the land.”<sup>1</sup>

This development of the town of Block Island is important from the fact that that other island town of Jamestown was incorporated as Quononoquitt “with the like priviledges and libertyes granted New Shoreham.”

In the town of Jamestown before the incorporation the landholders had organized a sort of governing committee. The Charter of incorporation of Jamestown, as that of Block Island, outlined the system somewhat fully. This contained a provision that “to the Wardens shall be aded four men to make up a Town Counsell”. These with the other officers were to be elected “by the Major part of the said Proprietors”, or according as the somewhat obliterated Jamestown records state they were to elect and engage a “Cleark” who was to “Record in a Booke or Bookes, all the acts of the freemen in their town—And to Land and bounds thereof, And publications of Marriages to be returned to him by the publishers—All Marriages, All births, All Burialls, All actions to be there Commenced & the progress thereof And to make such returnes to the assemblys and corts of Trialles of this Collony as need shall require and the Lawes injoyne such Clarke to performe, And to purforme all and Every other thing pertaining to ( ) Office of a Towne Clerke of this Collony though not here in Exprest, And that the said freemen att the said Meeting, or the Major part of them Meett doe Chouse four honnist wise men to be aded to the Wardens for a Towne Councell to have Like athorety as other Towne Councells have. And that the said freemen Or the Major part of them Meett at the said Meeting shall Elect a Treasure if they see Cause, who sh( ) Have Like Athorety as other Towne Treasurers have, And that the said ffreemen or Major part of Them Meett, one the said Elective days shall Elect two Connstables, or more if Need require, For the aprihention of Breakers of the peace, wandring parsons, ffellows, And to doe any other thing pertaining to the office of a Connstable, And that the said freemen or the Major part of them on the said Election days shall Elect a sargant for the Collinge the said freemen to Meetings by the f( ) writts, and to serve other Writts and shall be Engaged to the ffaithful performance of his office By the Wardens or one of them, But for as much ; as it is Just that all men as well meane ( ) Should be saved harmeless in there Estates, as richmen in there great Estates, and that the Ch( ) to obtaine a Litle should not be a grate Charge, nor forced to obtaine their owne Undertake soe great Trouble and Charge as to Come to the Generall Corts of Tryalls; which by reson of dist( ) By sea many times cannot come because of hender-

<sup>1</sup>Livermore, History of Block Island, p. 238.



ance many wayes; It is therefore ordered Enacted hereby that the said Wardens shall have Authority when Need shall require in the said Town to hol( ) Pleass of actions of Account debt ( ) Detainure Trespass and of the Case, to the Vallue of five pounds starl( ) Of New England Mony or five pounds Current pay of this Collony with or to the Marchants Ar( ) Not above, And to proceed in the said actions according to the Lawes of his Majties Rhelme of En( ) soe farr as the Constitutions of the place will admitt, And according to due forme of Law ( ) Collony agreeable thereto; And the said Pleass to be held on Either of the said four quarter Meetings Before Mentioned,



LIPPIT HOUSE, OLD WARWICK, ERECTED ABOUT 1715.

The residence of Jeremiah Lippitt, town clerk for thirty-three years previous to 1776; a famous gathering place of the people of Warwick previous to the Revolution.

And on the adjournment of Either of them, Or on any other time of Necessety By reason of Dangers and staingers that may hapen there-to be. The time to be appinted by the Wardens. And that the actions shall be tryed by twelve honest Impartiall men there not of ( ) to plantiff or defendant or Intrested in that case they that are Jurirous and Least suspected, And any Jurioure be Challenged by plaintife or defendant for the said reasons shall have his said Challenges of favour therein, And all the inhabitants shall answare by summons And the feese of each Jury man to be but sixpence in the said cases Never the Less appeals to be allowed as the Law is And each writt six pence, And the serveing of it six pence, and for serveing of the Execution twelve

( ) Upon the pound for that delivered to the party by Execution, as alsoe suteable allowance for Travill to be Cost of Court, Also farther be it provided that all greater sums shall be Tryed in the Generll Cort of Tryalls and bound thereto by the defendants bond to the Serjant there whoe is to be ( ) the Law of this Collony the generall Serjants Deputy, fffurther more bee it provided for his Maj( ) Peace that the said Wardens shall have the Conservation thereof in and throughout the said Town And shall have athorety as Justices of the peace to require before them or Either of them in the absence of the other all or any parson brakeing the same or suspected for any Crime for Examination and upon witnes of the guilt thereof, to Imprison or bind over the party ( ) To the generall Cort of Tryalls; as Law and Justice requires; and returne there proceedings to the said ( ) And fffurther that the said Wardens or either of them shall have athorety for publications of parsons Inten( ) Declared to them of Marriages desiring it to be published, and all Marriages there to be Solemnized ( ) The said Wardens or either of them, and to make returne to the Towne Clerke for Memorrial of Lawful Marriages as Many Cases may require, And further more provided that all such part( ) As shall for the future be made free of the said James Towne and desired to be made freemen of ( ) Such said men being maid free by the generall assembly, shall have and Injoy all Libertys in and ( ) Elections as the present freemen of the said Towne have.”<sup>1</sup>

The colonists always interpret liberally the clauses of their charters empowering them to elect town officers. The numbers vary as well as the titles. Sometimes the towns ask permission of the legislature to change the number or titles of officers, sometimes the towns seem to act without authority other than that drawn from general provisions. Block Island proceeds deliberately in 1738 and the legislative records show that “Whereas, sundry inhabitants of the town of New Shoreham in this county of Newport, did, by petition, set forth to this Assembly, the ill conveniences attending there being but two wardens in town;—

It is therefore voted and enacted, that there shall be two more wardens added to the town of New Shoreham, to be chosen in the same manner as heretofore had been customary, according to their charter.”

A law of May 1, 1666, enacted “That Each Town Shall Appoint a day of Election of Town Officers and there Shall be chosen in Each Town Six men of Quality to Sit wth ye Assistants or Iustices in ye Town Concerning ye Probate of wills & Granting Licenses: Each Town Shall Also Chose there town Clarke Town Treasurour Town Serjtt Constables Overseers of ye Poor highway warders viewers of fences Town Packer Sealer of weight & measures & all other officers yt ye towns may

<sup>1</sup>Town Proprietors' Records, vol. i, Town of Jamestown, p. 33.

have Occasion for"; also "That upon any Occasion for A Coroner one of ye Assistants or Justices in ye Town yt is nearest where any Such occasion Shall be Shall Performe the Office of A Coroner". This same law prescribed the duty of the fence viewers as follows: "That all Lands yt belong unto the Severll Proprietors in the Colony & to any Other Person not Inhabiting Within the Colony After Laid out into Townships or Farmes and are Adioyning Each mans land to Another & being by them Settled & under Improvemnt Shall duely and truly be maintained one ye one halfe of the Fence Adjoyning Agains this Neighbour and ye Other part wch Shall be by them Proportioned & If any Person through malice or Strife Shall So refuse so to doe & will not Divide ye Fence nor Repair One Reasonable part or If he Doth Agree & Divide the Line & will not then Repair & maintain A Sufficent Fence According to Law then ye person Agrieued Shall have power to Call Two men Uiewers of fences & them to uiew ye Fence, or fences & afterwards hire men to Repair ye Fence or fences & then give an accott of his Disburstments on ye Same fences Attested before any Iustice of ye Peace in ye Town wch So Done ye Town Clerk of ye Town Shall Send forth A warrant of Distrain to Distraine of ye goods of ye Person to Answer ye Charges o Disburstment bye ye Party wth all Other Costs, & wt So taken to be Apprized by Two Indifferent Persons Chosen & If any ouer-plus to be returned Again & It is further to be Understood this Act Shall Extend as well to any ffences by any Tenant to perform ye Act as If it were Proper Owner of ye Land & any Person Causeing Such fences to be repaired it Shall not give aduantage to ye defective perso to take aduantage by any Suit of Trespass Against any person so Secureing himselfe by performing ye Act aboue Enacted made any Act to ye Contrary notwithstanding".<sup>1</sup>

By an Act of 28th of October, 1677, "ye Inhabitants of Every Respective town within this Colony Shall in Each Town Respectively have their Choice or Election of ye military Comanders & Officers". The duties of the sealer of weights and measures were more definitely outlined by the "Generall Assembly Held at Newport May 4th 1698. Whereas there hath been Severall Complaints made to this assembly yt there is much wrong done to the Inhabitants of ye Colony & Discouragement of Strangers to deal by Reason yt there is no Stated measures and weights Throughout Each Town in ye Colony & A Sealer Appointed in the Colony Bee it Enacted by the Present Assembly & it is hereby Enacted That there Shall be So many weights & measures Purchased by ye Generll Treasurer of ye Colony as were Ordered by an act of assembly made ye 27th of Octor 1674 & Established to be ye Generll Standarts of this Colony wch measures & weights Shall be According to Boston measures & weights & yt there be one Person Chosen to keep ye weights & measures in ye Town of Newpt wch Shall

<sup>1</sup>Laws and Acts, Digest, 1705, (19).



be Called ye Clerk & Sealer of weights & measures & yt he shall take ye Same Engagement as other Generall officers in this Colony ye Person appointed by this assembly until next Election is Iames Clarke of Newport to perform Said Office & yt Shall have for Cuting & Sealing Half Bushels Six pence & Lesser measures three pence Each to be paid by the owners Thereof.

“And it is Enacted by this assembly That Each Town in this Colony Upon their usall days of Election of Town officers Shall Chose one man in Each Town to be A Sealer of Measures & weights who Shall take ye measures & weights from ye sd Iames Clarke Under ye Seal of ye Anchor Appointed for ye Generll Seal for measures And it is Further Enacted That if any Town Neglect to make choice of Such a person as aforesd at their day of Election of Town officers ye sd Town upon Information of their neglect Shall be presented at ye next Generll Court of Tryalls & yt no person buy nor Sell by no Other measures then Shall be made & Sealed as aforesd any act or Custom to ye Contrary notwithstanding.”

The justices of the peace were given special authority to sit in the town council by a law of 1699 which enacts “yt ye Iustices be fully Impowered & required to Serve in Town Councells for Each Respective Town for wch he was Chosen or dwelleth in & his Authority & Power therein to be Equeall wth the assistants & Select men of sd Towns &c”. In some of the towns the surveyors were particularly officers of the proprietors. In 1754 in Cranston there were three “Chosen to judge such Estates as shall be Scrupled whether they have sufficient to quallifie them agreeable to Law.”

Besides the regular officers, such as moderators, clerks, treasurers, jurors, sergeants, constables, overseers of the poor, there were chosen in the different towns special officers as the conditions of the times might demand. Among these were surveyors, fence viewers, waywardens, viewers of sheep and cattle, pound keepers, water-bailiffs, sealers of weights and measures, and for a time during the rule of Andros the records of Providence and of the Island show that the English institution of selectmen was imposed upon the colony.<sup>1</sup>

The following officers now elected in the town of Jamestown will give an idea of the general organization of a town at the present day. The Town in Town Meeting on the first Wednesday in April of each year chooses a Moderator, Town Clerk, Five Town Councilmen, (the first two are wardens), Two Town Auditors, Town Treasurer, Town Sergeant, three Auctioneers, one Assessor of taxes for three years, Tax Collector, Corder of Wood, Packers of Fish (2), Pound Keeper, Town Constable, Overseer of the Poor, Fence Viewers (3), one member of School Committee for three years, and three members of the Town's Committee of the James-

<sup>1</sup>See records 1687 on.



town and Newport Ferry Co. The following officers are elected by the Town Council: Road Commissioners (4), Dog Constable, Appraisers of Damage Done by Dogs (3), Bird Constables (3), Coroner for three years, Inspector of Kerosene, Weighers of Cattle, Truant Officer, Health Officer, Inspector of Nuisances, Inspector of Sewers, Constable for enforcing liquor law, Inspector of Buildings, Chief of Police. Most of the towns, however, do not elect wardens at present, though wardens have been chosen from time to time elsewhere than in Jamestown and New Shoreham, as in Portsmouth from 1657 to 1664.

#### TOWN MEETINGS.

It is evident that the course of local government was not always a smooth one. Harmony did not always prevail in the town assemblies. The meetings throughout the first century of the existence of the settlements seem to have been "rich in debate" when individual interests were under consideration, but it was often difficult to obtain a sufficient attendance to transact business when only general affairs were to be discussed. In all the towns there are provisions for fines in case of non-attendance or in case of lateness. Land questions aroused the spirit of the settlers from time to time. Of these meetings Williams says, "Our peace was like the peace of a man which hath a tertian Ague. Every other day, yea, sometimes every meeting we were all on fire and had a terrible burning fit ready to come to blows about our lines".<sup>1</sup> Sometimes in Providence two town meetings were held, each claiming to be the lawful assembly and that its officers should be recognized. Apparently in the other towns, as in Providence in 1693, "the moderator was put upon to dissolve the meeting", for at Portsmouth in 1672 it was ordered "That for the future Noe Moderator of the Towne Meeting. Shall presume to desolve Such Meeting without the Major Vote of the Said Meetinge, And if any Moderator Shall from the Meeting withdraw him selfe without the leave of the Major part of the Meeting It Shall be in the power of that Meetinge to Elect an other to the place of Moderator and Soe proceed on the affaires of the Towne, for which they were Called and Conveaned."<sup>2</sup>

As late as 1794 Cranston seems to have felt the spirit of discord. The record says, "It has been observed in this town for several years past that our proceedings at town meetings are very irregular, and generally attended by Such Clamour and Confusion, that it is irksome for those who wish to do the business with candor and propriety."

The records in the various towns are not always plain, and might often bear the title inserted in the middle of one of the Providence books, "Here is Parte of an Olde Booke Placed in the Middle That for want

<sup>1</sup>R. I. Hist. Tracts, No. 14, p. 37.

<sup>2</sup>Records of the Town of Portsmouth, p. 170.

of Care was not Kept In Corse: but seemes to be sumthing Jntermixt which makes it the more deficult to find sum particulior things there in Contained: and therefore Requiers the more: diligence and Patiance."<sup>1</sup>

The town meetings in this Colony were held for many years in such places as would have astounded the inhabitants of some of the neighboring colonies. The records of the town of Providence sometimes show that meetings were held "under a tree by the water side before Thomas Field's house". In unpleasant weather a private house afforded the town a meeting place. The town clerk was at first appointed at each meeting; afterwards he held office for a longer period. When John Whipple became town clerk his house became a favorite place for holding town meetings. There seem to have been two reasons for this choice. The town clerk's house was centrally located and a customary place of resort and Whipple, who as the records say, "keeps a house of publick Entertainment", no doubt found "town meeting days" among the most profitable of the year. Whenever the town of Providence assembled in a church it was because it was the most available place and not because there was any idea of a union between the religious and secular powers. At Portsmouth early meetings were held at private houses. The house of "Stephen Remmentun", "Stephen Remmentune", or "Stephen Reminton", according to various dates, seems to have been a favorite place for the holding of meetings of the town of Jamestown. Early Westerly meetings were held at the house of "Justice Isaac Tomson". In general whether in open air or under cover, convenience seems to have determined the place of the meetings of the town. An early meeting of the town of Pawtucket before it had shaken off Massachusetts traditions was held in "Rev. Mr. Greens Meeting House", but it adjourned to meet the next month in the "Brick school house". At Burrillville, June 6, 1810, it was voted "That the next town meeting be at Russell Aldrich's, upon these conditions: That the said Aldrich pay into the town treasury the sum of \$16.25 within one week after said meeting". It was also voted, "That the said Aldrich have privilege to prosecute any other person for selling liquors on that day and place". This privilege brought fifty dollars in 1810. It is to be observed that the townsman was not required to pay until the meeting had been held.

The range of subjects aside from the election of officers and land matters is shown in the vote entrusting to a single committee of seven the following: "Upon Searious Consideration of the inconveniencys that may insue to the Town by beinge too forward in admittinge free-men, and for the future to prevent the Same, and that if ffreemen hereafter be admitted that are persons that are not free-borne it may

<sup>1</sup>Early Records Town Providence, vol. xii, p. 33.

be Knowne and determined what freedome and prevelidges the are admitted unto, The Towne See Cause to Referr the further Consideration of the Matter unto a Comittee, desiringe and impowringe them to draw up Some absolute detirmination in the premisses, and present what they agree on and draw up to the next Towne Meetinge for their Consideration and Confirmation if then by the Towne aproved of, as alsoe to Consider Some way to prevent the great Imbezlinge of the wood and timber in our Town Comons, and to Consider of Some way to prevent the driveinge of Sheep on the Comon and therby removeinge them from their wonted walke''.<sup>1</sup> The attention of the towns to matters which would seem in later days trivial, is often manifested. At Portsmouth, "It is ordered that for wotching with william Baker in the time of his sicknes John Tifft and John Basly is to be satisfied, with a part of william Bakers Clothes, Accordinge to there owne Request''.<sup>2</sup> At Providence the questions discussed cover the range of affairs from the taxes upon land to the bounty upon rats.

#### INFLUENCE OF LAND HOLDING ON TOWN DEVELOPMENT.

The method of land holding and distribution had an important influence upon the political life and development of the towns and the matters in regard to land cover many pages of the records of all the towns.

In Providence the land had first been purchased by Roger Williams from the Indians. Subsequent Indian claims to sections over which the original deed gave Williams the title, were frequently settled by additional payments. The title to the land was then, at first, in Williams alone.

He soon received the twelve other settlers into the "fellowship of his purchase", affirming that he did "freely and fully, pass grant and make over Equall Right and power of Jnjoying and disposing the Same grounds and lands, unto my Loveing ffriends and Neighbours''.<sup>3</sup> William Harris, one of his "loving friends and neighbors", thus describes this transfer: "Seeing actually and immediately he did put us into equal possession of the same with himself, each one with like rights and powers to dispose thereof as our and his''.<sup>4</sup> Though his companions were put into "equal possession" and became freeholders, yet Williams found that this did not prevent discord, for he says, "there was hardly ever in New England, William Harris, his equal, for monstrous evil in land business and matters of disorder as to civil government''.<sup>5</sup> In

<sup>1</sup>Records of the Town of Portsmouth, p. 181.

<sup>2</sup>Ibid., p. 110.

<sup>3</sup>Early Records of Town Providence, vol. xv, 86.

<sup>4</sup>Harris Mss., Letter 1667, R. I. Hist. Soc.

<sup>5</sup>Letter 1667, R. I. Hist. Tracts, No. 14.



the assignment of land, Williams seems to have had the first choice, and subsequent allotments were made as impartially as possible. Sometimes, as was the custom, it was decided by lot "where every man should lie".<sup>1</sup>

The landed rights of a full proprietor at Providence seem to have embraced a "home lot" or place for a dwelling, a "six acre lot" usually a tract of arable land at some little distance, and a right to a sufficient amount of the "general land" to make up one hundred acres and also if there should be a division of the "common lands" a share in this division.

The "home lot" or "home share" usually contained about five acres. It had a frontage of 100 to 125 feet on the "Towne Streete" which ran "along the river side" and, therefore, extended well back from the highway. These lots were not always of the same proportions, but always long in proportion to their width, thus making the settlement compact along the street.

The "six acre lots" were somewhat remote from the town and where the soil was considered best adapted to tillage.

The share in the other lands, usually about eighty or ninety acres, was laid out by the town deputies or by the town surveyors so as not to interfere with the claims of others. Sometimes these lots were not laid out for some years after other allotments were made.

Shares in meadow lands also were held and sometimes these were granted by the town in exchange for other lands which the inhabitant might surrender. "Warehouse lots" too were not infrequently granted to such as would use them in the interests of trade. Other lots are sometimes granted under special conditions.

An old deed shows the general character of the divisions. It signifies that the town has laid out and delivered to the grantee "as his purchase Right; Certain parcelos of land according to the parcels of other purchasers; namely; a five acre house lot, 60 acres, 20 acres, 6 acres and five acres", and "also a spot of meadow about one and one-half acres also about three-fourths of an acre of meadow", making in all ninety-eight and one-fourth acres "more or less" according to the survey.

This was the usual amount of land to which the purchaser had a title in the town. Besides this he had certain rights in subsequent divisions of land and to the use of the common lands or "general fields". Some other lands were considered the property of the town as a whole. Proceeds from the sales of these lands passed into the general treasury, not to the proprietors.

Regulations and orders involving land interests especially fill many pages of the early Providence records. It was, soon after the division

<sup>1</sup>Mourt's Relation, p. 25. Early Records Town Providence, iv, 45.



of the lands, ordered "that none sell his field or his lot Graunted in our liberties to any person but to an Inhabitant without the consent of the Towne".<sup>1</sup> Nor did those who thus purchased land acquire a right to all the unsold lands in the limits of the town, for they were told that "they must not think that they bought and sold the right to all the lands and meadows in common and 100 acres presently and the power of voting and all for 30s".<sup>2</sup> If after obtaining land they did not occupy it, they might be fined, or the land might revert to the town, as the record says, after eighteen months "fall into the Town's hand again". Exactness in the use of terms describing lands is not characteristic of the early records. Bounds often run to "an oke marked neere the ground, and standing neere a Rocke" or some similar point. The following is exceptional: "the right of Commoning within the Commons of this Town of Providence, that is to say, for Commonage for cattle, privileges for fire wood, for building timber, for timber for fencing, etc., but no claim to be laid to any land thereby". Right of commoning might be granted in proportion to the amount of land held, as in the case of the "quarter-right purchasers", who have "the Right of Commoning, according to the said proportion of Lands",<sup>3</sup> or it might be a special privilege as upon petition of "John Smyth" it is ordered "that the said John Smyth shall have liberty for feeding four Cattle and taking of firing and fencing, etc., untill the Towne shall see Cause to the contrary", and in some cases is forbidden altogether, while instances where rights to land are much confused are not infrequent. In general it may be said that the land system at Providence was more simple than in many sections of New England.<sup>4</sup>

Ownership of land was usually made the basis of taxation in the early years, for this was the source of the town's income. Its inhabitants were not capitalists nor were they supported by outside aid. Thus they order "That a Rate shall speedily be Levied upon ye inhabitants of this Towne on all such who hath Right of Commoning this or Town-shippe of providence".<sup>5</sup> These rates are sometimes payable in beef, pork and pease,<sup>6</sup> and sometimes in "peage" or wampum. The inhabitants were on certain occasions ordered to bring in "their own account of their property", the town orderly assembled might fix the amount which each man was to pay, but the more usual method was to appoint a number of men to assess the inhabitants.<sup>7</sup> Taxes in Providence were always for civil purposes within the colony limits.

<sup>1</sup>Early Records Town Providence, vol. i, p. 3.

<sup>2</sup>Letter of Williams, R. I. Hist. Tracts, No. 14.

<sup>3</sup>Early Records Town Providence, vol. ii, p. 29.

<sup>4</sup>Nation, Jan. 10, 1873, p. 23.

<sup>5</sup>Early Records Town Providence, vol. viii, p. 42.

<sup>6</sup>R. I. Col. Rec. vol. i, p. 481.

<sup>7</sup>Ibid., vol. iii, p. 22.

At length land questions become less important. The class desiring "warehouse lots by the waterside" become more numerous. The interests of the "purchasers and proprietors" are no longer the same as those of the majority of the inhabitants. The proprietors become a class by themselves. From 1718 they hold their meetings apart from the town, and have a separate clerk and records. These meetings of the proprietors were held as early as 1653, for the Records, "28 of 2 mo.," mention "Acts and Agreements made and concluded upon by the Purchasers in their several meetings". Such meetings were legalized as early as 1682.<sup>1</sup> The proprietors make certain orders in regard to the common lands, as in 1709, that "no strangers, nor any other Person who is not interested in ye Comon of our Plantation of his owne Right shall cut downe and Carrey away or Make improvement of any Cedar or Pine Timber"<sup>2</sup> without an order from the purchasers. In a division of the common the proprietors are to have "their proportionable part thereof, according to quality and quantity".<sup>3</sup> Committees are chosen by the proprietors "for the dividing of those common lands in Providence aforesaid, called the stated common".<sup>4</sup> At first all the townsmen of Providence were proprietors, but soon their number was exceeded by those who had no share in the common lands. In a town meeting of the whole body of the inhabitants the interests of the proprietors suffered and they were forced to hold independent meetings, and at these meetings the surveyors of the lands were after a time elected. Dorr says, "The earliest controversy of the Plantations was between the Proprietors and the Freeholders. During two generations it disturbed the quiet of the town meeting and the harmony of private life, and, more than anything beside, delayed union and success". The number of proprietors never exceeded one hundred and one, as Staples says, and they held meetings as late as 1832. In them were vested the rights to common lands, and as these lands became less and less in extent the power of the proprietors, as a body, waned, and at length ceased to be felt.

In the Narragansett country the proprietors' records show the dominance of the land element in town affairs also. As in some of the other sections, provisions were made for the support of a religious leader and in the early division of land three hundred acres were set apart "for the Ministry" and provision made for his support.<sup>5</sup> The original compact of the first purchasers of Block Island ordered "That there should be a quantity or portion of land be laid out for the help and maintenance of a minister, and so continue for that use forever".

<sup>1</sup>Public Laws, R. I., May 3, 1682.

<sup>2</sup>Early Records, etc., vol. xi, 141.

<sup>3</sup>Moses Brown Papers, March 13, 1722-23.

<sup>4</sup>Ibid.

<sup>5</sup>Fones Records I, pp. 5, 37.

This act on the part of the settlers on Block Island and the similar act by the Narragansett purchasers shaws that these proprietors were not without some realization of their public duties as the proprietors in some of the towns seem to have been. In the towns generally there was a distinction between the proprietors and the other inhabitants which strongly influenced local as well as colonial and state government. This distinction first arose in town affairs and led to revolutions forecasting that of 1842 known as the Dorr War.

In East Greenwich, the early landholders resolved themselves into a sort of close corporation before they were incorporated by the Colonial legislature as a separate town. Their action is set forth in the following record: "Know all men by these presents, that we the subscribers, whose hands and seals are hereunto affixed, being inhabitants of Warwick and East Greenwich, in the Colony of Rhode Island and Providence Plantations, having purchased a tract of land in the Narragansett country, being part of the vacant lands belonging to this Colony, and the committee appointed by said Colony to dispose of said vacant lands, a Reference being had to the deed of saile bearing date even the same with these presents, said land being butted and bounded as follows: . . .

"We, the subscribers, do covenant and agree upon the following: First, that we will take in as many partners as will make the number of fifty or sixty partners including ourselves in said number; And the said land shall be divided into as many parts or shares, and if one man will not take a whole share, there may be so many taken in as will represent a whole share, in behalf of that share for the rest that are taken in said share.

"Secondly, that in all matters that relate to the well management and ordering of said land aforesaid, the major part of the partners present votes shall be valid and binding to all the partners, to stand to both to them that are in the Deed as well as them that are taken in for partners, who are to be equal with those who are in the Deed, in all respects with ourselves.

"Thirdly, none are to be taken in as partners without the consent of the major part of the purchasing partners, and not to take in more than to make as many shares abovesaid.

"Fourthly, that any man shall have more than one share, yet he shall have but one vote about anything relating to said land. In witness whereof we have hereunto set our hands and seals this 30th of June Anno Domini 1677."

The town was a distinct body from the proprietors. The proprietors met and acted upon questions concerning land. Sometimes they confirmed the action taken by the town in regard to lands as on "July 2, 1711, Voted, that whereas, the town of East Greenwich hath made several grants of some small parcels of land by way of exchange or other-



wise, this meeting doth confirm the same"; or refused to confirm it as on March 30th, 1751, "Voted, That the vacant land in East Greenwich upon the shore, that the town council of said town, had agreed to sell to Jonathan Nichols of Newport, Inholder, be not sold to the said Nichols, nor to any other person, for the proprietors are of the opinion it is not a highway, and that the same shall not be sold". Sometimes those who were admitted freemen by the town were later granted land by the proprietors as when it was voted that certain six men "being freemen of this town of East Greenwich, and being settled upon part of several farms, and not having a whole propriety, the proprietors do hereby allow, each of the said persons to draw each of them a lot in our new town equal as if they were proprietors". They were thus to have a "ten acre lot", "a ninety acre farm", and "a house lot" near the shore. In 1726 East Greenwich, as some of the other towns had done, assigned a lot for religious purposes, later for school and town house. Toward the end of the 18th century the influence of the proprietors as such began to decline and the town began to prescribe to that body what it should do, and the records say in 1793 that "We find but two of the proprietors Committee now living", and that "We do not find that the proprietors ever held a meeting since the 26th of April, A. D. 1766."

The proprietors at Jamestown made provision in regard to the government of the settlement at the time of the agreement to purchase Conanicut. They provided for the appointment of a committee of seven to manage affairs. The old record, now somewhat worn as shown by the omissions, is as follows: "Thirdly wee doe joyntly agree that sixteene Persons shall be and stand a perpetuall Counsell—from hence forward ye power, (they) or ye major part of them agreeing, to nominate and apoy( )umber, and to impower & Authorize ye sd. seven, with full power to manage all matters ( ) from time to time as occasion shall present, which sixteen persons have also already nominated ( ) as they are mentioned in ye first article [missing from records] of these presents, and are hereby confirmed according to ye ( ) presents untell these sixteene hereafter named shall see cause to change any of ye sd seven and pl( ) themselves, in his or their Roomes, which may not lawfully be done, but in a meeting of ye sd six ( ) part of them, which meeting shall not be accounted authenticke except every one of them ( ) him (in season) of ye time & place of meeting, by some other of themselves therein apoynt ( ) ase any of ye sixteene hereafter named, Die or remove away, or be by breach of any ( ) abled to hould his share in ye Premises, or have sould or given away his proportion, or be at ( ) disabled to act in ye Premises, then it shall be and is in ye power of ye remaining fifteene (or soe many ( ) capable to act, or ye major part of them orderly meett as aforesd, from time to time to nominate ( ) one of ye most able of ye Purchasers as

may be in their judgmente thought ( ) Roome &c and ye sixteene that are at present deputed and Authorized to ye intent aforesd are ( ) Coddington Esq. Benedict Arnold sen. both of Newport, William Branton of Boston ( ) or ( ) his absence William Baulston for him, Richard Smith sen. & Richard Smith Jun both of Narragansett, Capt. John Cranston, Richard Tew, Joseph Clarke, John Greene, Richard Knight, Caleb ( ), James Barker & Marke Lwker all of Newport, John Roome, William Boylston & John ( ) all of Portsmouth; (ffourthly) It is agreed that if any of those before mentioned ( ) doe absolutely refuse to accept of being a Purchaser, or doe not come in at or before ye first of ( ) yeare 1658 and subscribe their names unto these Articles of agreement all such persons ( ) and loose their Promised shares as above mentioned".<sup>1</sup> The dominance of the proprietors in the early days immediately after the incorporation of the town is natural and among the earliest evidences is the "Booke of Records Belonging to the Proprietors and freemen of James Towne began Anno Domini 1679". On the reverse of this title they show their authority in the admission of certain freemen. "At a meeting of the Proprietors and free Inhabitants of James Towne the 7th day of Aprill 1679 Capt. Peleg Sanford chosen Moderator. John Fones elected and chosen head Warden of the said Towne. Mr. Josiah Arnold Elected and chosen Deputie Warden both the said Persons Ingaged according to law by Jm. Cranston Esq. Gover. Presently after, unto their said affairs, Michell Daly and Peter Wells admitted freemen of this Towne during their abode in sd Towne". The proprietors and freemen meet together to act upon general affairs while the proprietors meet apart to consider affairs in regard to land. Such entries as these are common: "At a meeting of the proprietors and freemen of the town" showing the distinction among the inhabitants. They prescribe as to Dutch Island as follows: "Whereas the first Purchasers or Proprietors of the Land of Quonanicutt (alias) Jamestown Did when they Purchased said Island Likewise Purchased an Island Called Dutch Island to be Equally Proportioned according to the Rights or Proportion of Each Persons Right in said Quonanicutt". The proprietors thought it for the best interests of all that the land of Dutch Island should be "proportioned and stented", and hence ordered a survey and an adjustment of claims according to original rights which after fifty years had become rather complicated by sales and deaths of the original holders. The proprietors' committee retained its organization till 1710 at least, but here as elsewhere with the growth of other forms of property and the admission of new members to the community as freemen the power of the land proprietors declined and the organization disappeared.

<sup>1</sup>Land Evidence No. 1, Town of Jamestown, p. 5.

"A List of the ffree Inhabitants of the Towne oft Westerle. May 18th 1669" shows twenty-four names against which (in a different ink) there are written such items as: "17 lot", "10 lot", "34 lot", etc. Later other similar lists are entered as in September, 1679, March 1679-80, and May ye 1 day 1704", "A list of one parte of the Inhabitants and freemen of the Towne of Westerle", contains twenty-one names with land assignments running from "lott 01" to "lott 22" with the exception that there is no mention of "lot 20". It is possible that the additions in different ink were made in accord with the following action: "Att a towne metting held in Westerle Aprill ye 7 day 1709 Att the dwelling hous of Justice Isaac Tomson voted that whereas through sum over sight of our towne Clark then in the day of it when it was granted in not Enterin our Grants of one hundred akors apeace each man of land butt only our Lotts Entred according to our drafts with our names affixed to our severall Lots as is above written barein date May ye 1: 1704 &c Voted that the now Town Clark shall Enter it according to the best accompt as may be Computed by whatt the Records may aforde in the premises for the town in Genrll doth still rememb that it was Granted before they drew Lots for it which bares date May 1: 1704. accordingly I have Entred.

— — — John babcock town Clerk."<sup>1</sup>

The town proposed to regulate land holding and was apparently a close corporation for a time. How close this corporation was is shown in a vote of March 22d, 1680: "Voated that it is further ordered by this Assembly; that if any person or persons shall buy or settle any Land or Lands lyeing within the Limits of this Town withoute the Consente of the free Inhabetants of the Towne, he or they shall forfeit the said Lands to the towne."<sup>2</sup>

Indeed throughout the colony during its early days land was everywhere the disturbing question. Williams said of Providence and his fellow settlers, "Every other day, yea, sometimes every meeting we were all on fire and had a terrible burning fit ready to come to blows about our lines."

In regard to unoccupied lands the assembly made the general provision "That all & Singular ye Lands lying & being Undivided or Common wthin ye Precincts of Each of ye sd Townships Shall be deemed & taken to be ye Property of every freemen of ye sd Town as Such & their Successors freemen of ye sd Town for ye time being & yt ye freemen of ye sd Town of Newport have also liberty in their Publick Town meetings to grant & dispose of ye sd Undivided Lands according to their usuall Custome."

#### VOTING.

Land holding was closely associated with the rights to exercise the franchise. Providence on May 15th, 1658, "Ordered yt all those that

<sup>1</sup>Town Records, Land Evidence, etc. 1661-1706-7, p. 1.

<sup>2</sup>Ibid, p. 7.



injoy land in ye jurisdiction of this Towne are freemen''.<sup>1</sup> In most of the towns besides the proprietors there were owners of land not entitled to any share in the division of common lands. The proprietors and these freeholders, together with their eldest sons, constituted the voting class of the town. Those admitted as inhabitants of a town were not necessarily entitled to the privileges of freemen. The town generally became responsible for the support of those who acquired the right of inhabitation, however. Those who had previously been admitted inhabitants might later be admitted freemen as in the cases of Gold, Hicks, Rogers, etc., who at Newport on September 14th, 1640, were "admitted as Freemen of this Body Politicke, to enjoy the privileges thereof".<sup>2</sup> After the union of Portsmouth and Newport it was agreed at a "Genall Court of Election", March 16-19, 1641, that "It is in the Powre of the Body of Freemen orderly assembled, or the major part of them, to make or constitute Just Lawes, by which they will be regulated, and to depute from among themselves such Ministers as shall see them faithfully executed between Man and Man". By the towns Providence and Warwick in 1652 "It is ordered . . . that no forinners, Dutch, French, or of any other nation, shall bee received as a free inhabitant in any of the Townes of our Collonie, or to have any trade with the Indians, or Indians inhabiting within our aforesayed Collonie, directly or indirectly; that is to say by themselves, or any one of them, or by any other person whatever, but by the generall consent of our Collonie, orderly mett and manadged, notwithstanding any former order to the contrary". Men were sometimes deprived of the franchise as a penalty, as at Newport, 16th and 17th of March, 1642. "It is further ordered, that George Parker and John Briggs are suspended their votes till they have given satisfaction for their offences". They were "Remitted of their censure of suspension" September 19th, 1642. It was also "further ordered, that Mr. Lenthall being gone for England is suspended his Vote in Election". This withdrew the privilege of proxy voting, which was common in Rhode Island. A law of 1666 provides "That every Town at their Town meeting hath Power to make Such men freemen of their Towns as they Iudge may be meet & may be serviceable to serve in ye Towns in Town offices & all Such persons shall have their Votes for ye Choice of all officers in Town where they dwell & ye names of all such persons so made freemen of ye Towns being Present To the Assembly If yey pass by vote to allow them freemen of ye Colony then Shall they have their Vots of Electing Generll Officers at ye Times of Election, And Every freeman at ye time of Election of all Such Generll Officers as are Required by or Chartor If there on ye day

<sup>1</sup>Early Records Town Providence, vol. ii, 112.

<sup>2</sup>R. I. Col. Rec. i, 108.

at ye Town of newpt Shall Vote by wrighten Votes for any Such Officer as they See cause any person or Persons who cannot come without much Damage to themselves to ye Election hath power to Vote by proxy wch Shall pass as Followeth there Shall be A Town meeting Called in euery town & ye Votes of evey Person yt is A freeman Put in a Paper & sealed Up wth ye Persons name written on ye back Side of ye Paper & Shall be delivered to A magistrate of ye Town or to a Iustice of ye Peace or Conseruator (viz) Such head officers as is in ye Townes wch Proxeys Shall be delivered at ye day of Election to ye Gover or Deputy Gover in ye Court of Election".<sup>1</sup>

An act of 1723 declares that "no person whatsoever shall be admitted a freemen of any town in this colony, unless the person admitted be a freeholder of lands, tenements or hereditaments in such town where he shall be admitted free, of the value of forty shillings per annum, or the eldest son of such freeholder".<sup>2</sup> The amount necessary to qualify an inhabitant to vote varies from time to time, especially on account of the fluctuations in the value of paper money. At length the qualification becomes fixed, and only those having a \$134 freehold estate, or one yielding \$7 per annum are allowed to vote<sup>3</sup> by virtue of their property, while the eldest sons are permitted to vote as sons of freeholders. This is an interesting survival of the forty shilling freeholding qualification which was instituted in England nearly three hundred years earlier,<sup>4</sup> and this property requirement still survives in Rhode Island. Rarely inhabitants were admitted freemen "by courtesy". A careful record was kept after a time of those admitted "by producing deed" and as "eldest son". Bancroft, speaking of Rhode Island, says "it attached to the franchise, 'not to the inhabitant', but to the soil; and as a wrong principle always leads to a practical error, it fostered family pride by a distinct imitation of the English law of primogeniture".<sup>5</sup> The amendment to the Constitution of the State, April 4, 1888, contains the provision "that no person shall at any time be allowed to vote in the election of the city council of any city, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at one hundred and thirty-four dollars."<sup>6</sup>

#### THE GROWTH OF THE TOWNS.

From the early days of the eighteenth century the towns within the limits of the colony of Rhode Island and Providence Plantations may

<sup>1</sup>Laws and Acts of R. I. Digest, 1705, 19.

<sup>2</sup>Digest, 1730, p. 131.

<sup>3</sup>Digest, 1798.

<sup>4</sup>Stubbs, vol. iii, p. 111.

<sup>5</sup>History of U. S. iii, p. 69.

<sup>6</sup>R. I. Constitution Amendment, art. vii, sec. 1.

be said to be fairly established. The colony itself had become stronger and the Earl of Bellomont included Rhode Island among those colonies in which "the independency they thirst after is now so notorious" that it was proposed in 1701 to remove their charter rights and make them crown colonies. Commerce was opening a larger field of occupation and bringing contact with neighboring colonies. The abundance of good harbors in the colony naturally directed attention to maritime undertakings. The interests of the towns along the Narragansett Bay and those possessing harbors gradually became different from those of the inland towns. At the beginning of the eighteenth century the town of Providence included nearly all the northern part of the present State of Rhode Island west of Narragansett Bay and the Seekonk River. During the preceding half century towns had been more or less definitely established in the disputed area known as the Narragan-



OLD LIGHT HOUSE, POPLAR TREE POINT, WICKFORD.

From this point a party of Wickford men repulsed a boat crew from one of the British ships on a foraging expedition during the American Revolution.

sett Country, and in what is now the southwestern part of the State. Settlements had also been made on Block Island, at Wickford and at Jamestown. At Providence the interests of the inhabitants of "the compact part of the town" demanded different treatment from those of the more remote portions and in 1730 a petition was presented to the General Assembly praying that a committee might be appointed to "divide the town of Providence into three or four parts as they should think most proper". Accordingly a division was made setting off about three-fourths of the territory under the names of Smithfield, Scituate, and Glocester. Kingstown had been divided nearly ten years earlier. This process of sub-division went on all over the colony and new towns arose. Charlestown was set off from Westerly in 1738, Exeter from North Kingstown in 1742, Middletown from Newport in 1743, and later other towns were established by the same process. A spirit of town individuality rapidly grew in these new political divisions. The rural towns became arrayed against the towns



mainly occupied in trade and commerce. The mania for paper money which had seized upon some of the people of the State was generally opposed by the inhabitants of the more thickly settled centers. Arnold Green says, "There were witches at Salem, there were pirates at Newport; Gorton was at Warwick; and before long perhaps the most ominous danger of all, there was paper money everywhere".<sup>1</sup> The issue of paper money in 1710 to defray the expenses of the expedition against the French Colonies was followed by other issues and the usual depreciation. The commercial centers as the location of the colonial merchants to whom the inhabitants of the rural districts were in debt were vigorously opposed to paper money which was of uncertain and depreciating value. The rural towns were selfishly in favor of the issue of bills which would enable them to pay their debts in a cheap money. Laws were made to float the depreciating money and to compel its acceptance. Providence particularly opposed these laws as working directly to the injury of her merchants. The hostility between town and country became more intense and led almost to bloodshed. From this time on there has always been a jealousy between the two sections. The representation of the more populous centers in the General Assembly was reduced in some cases and increased only in rare instances even though these centers might grow very rapidly in population. This hostility between town and country has played a very important part in the political life of Rhode Island from these early days even to the present time. The large towns have not been represented in the General Assembly in proportion to population but by a number fixed by the legislature.

The rural towns were particularly benefited by the act of 1723 which provided that "no person whatsoever shall be admitted a free-man of any town in this colony, unless the person admitted be a freeholder of lands, tenements or hereditaments in such town where he shall be admitted free, of the value of forty shillings per annum, or the eldest son of such freeholder".<sup>2</sup> Toward the end of the eighteenth century the qualification required for those who were entitled to participate in voting was fixed at \$134 freehold estate or one yielding \$7 per annum. The eldest son of such a freeholder had *ipso facto* the right to vote. This provision reduced the voting class to a sort of landed aristocracy. The merchants and tradesmen were not able to exercise much influence upon the conduct of political affairs in proportion to their importance in the community. In the Narragansett Country where great landed estates had arisen, the effect of such a system was to emphasize the inequalities of the existing conditions. Of the landed aristocracy in this section of Rhode Island it has been said "in colonial Narragansett the nature and constitution of the

<sup>1</sup>The Township—New England's Gift to the Nation, p. 37.

<sup>2</sup>Digest, 1730, p. 131.

place, the extension of slavery, both of negroes and Indians, the mode of colonization, the political predominance enjoyed by freeholders in Rhode Island, were all favorable to the production of a state of society which has no parallel in New England".<sup>1</sup> Here a small number of land holders managed affairs naturally for their own good as they saw it at the time. The laws rested with particular weight upon the slaves in Narragansett and the penalties for the same offence as well as the method of trial varied according as it was committed by a white man or by a slave. Some of the provisions resemble the slave codes of the States where slavery was a recognized institution. What was true in such an exceptional degree of the Narragansett Country was true



MAIN STREET, WESTERLY.

in a less degree of all the rural sections of the colony, the vote became the right of an exclusive class and political privileges were unequally distributed.<sup>2</sup>

#### THE INCORPORATION OF THE TOWNS.

The towns gradually increased in number as the settlements made in various parts of the Colony become of sufficient weight to set up an organization which could in the opinion of the colonial authorities carry on the business of the town in a proper way and should in the opinion of the same authorities have representation in the General Assembly. The Charter of 1663 had provided for the admission of

<sup>1</sup>Channing, *Narragansett Planters*, J. H. U. Studies, iv, p. 127.

<sup>2</sup>The Fones Record, Arnold, pp. 27-31.

other towns besides those of Newport, Providence, Portsmouth and Warwick. Newport was to have a representation of six in the General Assembly and the other three towns a representation of four each, but there were to be "two persons for each other place, towne or city", which should be later incorporated.

Westerly was the earliest of these new towns. The General Assembly of May 14th, 1669, records its act of incorporation of the town as follows: "This Court taking notice of the returne by the Committee to witt: Mr. John Easton, Mr. Benjamin Smith, James Greene, Edward Smith, Caleb Carr and William Weeden, in reference to the petition or desire of the people inhabitting at Musquamacott and Pawcatucke in the King's Province, to be made a towneshipp, it being and lying within this jurisdiction, as by his Majestyes Letters Pattents it



A VIEW OF WATCH HILL.

may appear, and considering the power by his Majestye given to this Assembly to order and settle townes, cities and corporations, within said jurisdiction, as shall seem meet; and seeing there doth alsoe appeare good evidence of the trust and good affection of the said people vnto his Majestyes government established in this Collony, and being also sensibell that the said inhabitants have suffered much in vindicating the same, and are a competent number to carry on the affaires there, as in condition of a towneshipp. Bee it therefore enacted by this Assembly, and by the authority thereof, that the said inhabitants of Musquamacott being seated, adjoyning to Pawcatucke, alias Narragansett or Norrogansitt river on the west part, and boundary of this Collony, and within that part thereof knowne by the name of the



King's Province aforesaid, to witt: Mr. John Crandall, Mr. Tobias Sanders, and all such others as now are or hereafter shall be legally admitted as freemen and inhabitants in the said place called Musquamacott, &c., shall be knowne and called by the name of Westerly; and shall be reputed and deemed the fifth towne of this Collony; and shall have, use and enjoy all such privileges, and exercise all such methods and formes for the well ordering their towne affairs as any other towne in this Collony may now use and exercise".<sup>1</sup> During the period of the interruption of the colonial government by the control of Andros (1686-1689) the town bore the name of Haversham.

The next town to be incorporated was Block Island. This community had been informed in accord with the resolutions of the General Assembly that it was within the jurisdiction of the colony. The act of the General Assembly in 1664 read as follows: "That the Governor and deputy Governor be desired to send to Block Iland to declare vnto our frends the inhabitants therof, that they are under our care, and that they admitt not of any other to beare rule over them but the power of this Collony: and that James Sands, who is a freeman of this Collony, come in to the Governor or deputy Governor, to take his ingagement as Constable, or Conservater of the peace theare; and that the most able and desearving men are warned in to the next Court in May, to be informed of ther previledge, and such to be free made of the Collony". In response to petitions from the inhabitants of Block Island the General Assembly sent a letter to James Sands and Thomas Terry on May 4, 1664, directing them to convene the inhabitants and to have the freemen take the oath to the King. "And when you have soe accepted and declared such inhabitants freemen, you are speedily to desier and requier them to elect a third select man vnto yourselves, and him you are to ingage according as is ordered in the foresayd orders of this Court, and are alsoe to ingage such other officers as the freemen elect, as Constable, Clarke, &c., to be faythfull in their respective office and offices". The affairs of the island were ordered in general accord with this letter of the Assembly. In 1672 it was "Voted, fforasmuch as the inhabitants of Block Island, viz.: Mr. James Sands, Mr. Thomas Terry and others, expressed in their paper, have presented their request to have granted and enacted by this Assembly that they may have liberty of a towne and like libertyes (according to the Charter) with other townes in this Collony, and their reasons showed of their said request of a towneship, &c., and the said called Shoreham". . . . They were to elect two officers to be called wardens who were to have "authority to send forth writts in his Majesties name, under their hands to require the said freemen to meet upon all just occasions, and elect two for Deputys to sitt in the law makeinge As-

<sup>1</sup>R. I. Colonial Rec. vol i, p. 192.

sembly of this his Majesties Collony. . . . And by writt to require the said freemen to meete four times in the yeare for their said towne affaires, for the makinge of such order or bye lawes as may be needfull for theire better management of their affaires amonge them selves accordinge to their constitution, not opugninge the laws of his Majesties realme of Englande, his patent, nor the laws of this Collony, agreeable thereto; and that the said Wardens or one of them, require the said freemen to meete for the first of the said four meeteings as soone as convenient, after they are engaged to theire said office, from which said meetinge shall begin the said yeare. And at the said first meetinge of the said freemen of the said Island, the major part of them being met, shall elect a Clerke, and shall provide a book or books, as need shall require; and that the said Wardens or either of them, in the absence of the other, shall engage the said Clerke to the faithfull performance of his office accordinge to the tenure thereof; and that the said Clerke record in a booke or books of the acts of the freemen in their towne affaires, as to lands and bounds thereof, all publications of marriages to bee returned to him by the publishers; all marriages, all births, all burialls, all actions to bee there commenced, and the progress thereof". They were also to elect a "Sergeant", "Constable or Constables if need require; two or more, for the apprehension of the breakers of the peace, wanderinge persons, fellows; and to doe any other thinge appertaininge to the office of a Constable."

"And that the said freemen, at the said meetinge, shall choose three wise, honest men, who shall bee added to the two Wardens for the Towne Councill, to have like authority as other Towne Councils have". The wardens were given authority to hold certain courts in order that the inhabitants of the island then considered so remote might not be "forced to obtain and undertake soe great trouble and charge as to come to the Generall Court of Tryalls, which by reason of the distance by sea many times cannot come because of danger and hindrances divers ways". Another clause outlines the Wardens' powers still more. "Furthermore, be it provided for his Majesties peace, that the said Wardens shall have the conservation thereof, on the said Island, and throughout the said towne; and shall have authority as Justices of the Peace to require before them all and every person breakinge the same, or suspected for any crime, for examination; and upon witness of the guilt thereof, to imprison or binde over the party or partys to the Generall Court of Tryalls, as law and justice requires, and returne their proceedings to the said Court. And further, that the said Wardens or either of them, shall have authority for publication of persons intentions declared to them of marriage (desireinge it to be published); and that all marriages be solemnized before the said wardens, or either of them, and to make returne to the Towne Clerke aforesaid, for memoriall of their lawfull marriages, as many causes may require".

In regard to the name of the newly incorporated body, it was enacted "that the said towne on Block Island, at the request and for the reasons by the inhabitants showed, and as signes of our unity and likeness to many parts of our native country, the said Block Island shall be called Ned Shoreham, otherwise Block Island."

In 1674 the General Assembly "Voted, by the king's authority in this Assembly, it is approved the Generall Councill's acts in obstructinge Connecticutt Collony from useinge jurisdiction in the Narragansett country, and the Councill's establishing a towneshipp there, and the callinge it Kingstown, with liberty as hath been granted to New Shoreham".<sup>1</sup> The name of this town was as in the case of Westerly changed during the Andros period and from 1686 to 1689 called Rochester. In June, 1722, the records say, "Forasmuch, as the town of Kingstown is very large, and full of people, so that it is found convenient for the ease of the inhabitants and dispatch of business, to divide the same into two parts, and make two towns thereof; Be it further enacted by the authority of this Assembly, that the town of Kingstown be divided and made into two towns, by the names of North and South Kingstown; and that each of them have one assistant, and the like privileges as other towns in this colony have, and do enjoy. Voted, that Capt. Jonathan Nichols, Col. Wm. Wanton and Mr. Teddeman Hull, be a committee to divide the town of Kingstown into two towns, and state the bounds thereof with all the equality as may be, and Kingstown to pay the charge". The towns were not formally organized till February 26th, 1722-23, when "It is voted and enacted by this Assembly, that the town meeting to be held at the house of Thomas Joslin, (for the late town of Kingstown, now North and South Kingstown) on Monday next, do choose jury men to serve in the next General Court of Trials, to be held for this colony, on the last Tuesday of March next; and that the freemen of each of the respective towns of North Kingstown and South Kingstown, meet on the third Wednesday of March next, in each of their respective towns, at some convenient place in each respective town as the assistants or justices dwelling in each respective town, shall appoint, and shall then choose deputies, and give in their proxies for the general election, and appoint their quarter meetings, and that the inhabitants of each town at their town meeting on Monday next, be advised thereof by the assistants of said town; and that the towns of North Kingstown and South Kingstown, govern themselves accordingly.

"And that the recorder draw up for each town their charter, in order to deliver them to the magistrates at the election, such as shall be chosen for each respective town.

"And that all former charters shall cease, upon their receiving their

<sup>1</sup>R. I. Col. Rec. ii, p. 525.

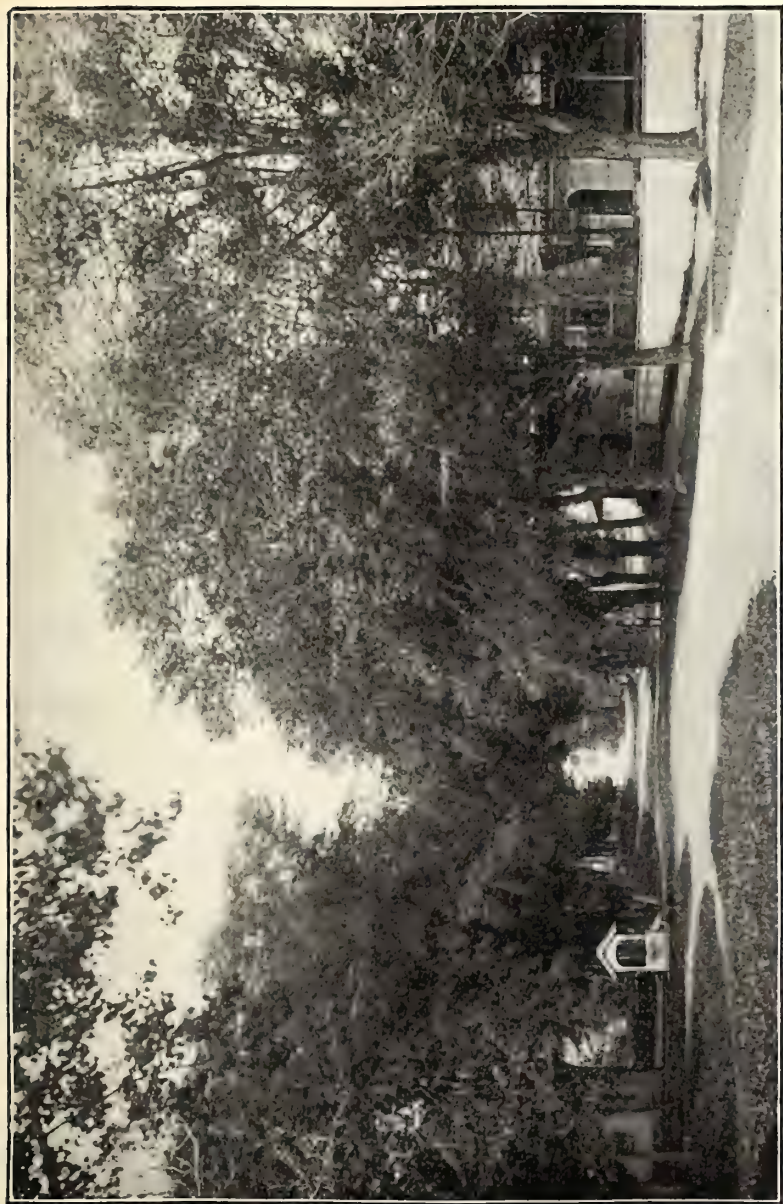


charters for each town. And at their respective town meetings to be held on the third Wednesday of March next, each town shall choose two men, to join in a committee to audit the treasurer's accounts, that each town of North and South Kingstown may have their proportion of said money, when they have chosen their respective treasurers, in proportion according to their taxes for each town.

"And that the records of the late town of Kingstown be put into the hands of the clerk of North Kingstown, to be, and remain in said North Kingstown; and that a copy of all records belonging to South Kingstown, to be drawn out of the records of the late Kingstown, and to be delivered to the clerk of said South Kingstown, when chosen, and to be paid for out of North and South Kingstown treasuries."<sup>1</sup>

The organization of the town of East Greenwich in 1677 was a direct legislative act interestingly set forth in the records as follows: "Voted, whereas at the General Assembly held for the Colony, at Newport, in May last, it was ordered that a certaine tract of land in some convenient place in the Narragansett country shall be laid forth into hundred acre shares with the house lots, for the accommodatinge of soe many of the inhabitants of this Collony as stand in need of land, and the General Assembly shall judge fit to be supplied. In pursuance of said act of the Generall Assembly this present court doe enact and declare that the said tract of land be forthwith layd forth to containe five thousand acres, which shall be divided as followeth: five hundred acres to be laid in some place neare the sea, and as commodious as may be for a towne, which said five hundred acres shall be divided into fifty house lots, and the remainder of said five thousand acres, beinge four thousand five hundred acres, shall be divided into fifty equal shares or great divisions; and that each person hereafter named and admitted by this Assembly to have land in the said tract, shall have and enjoy to him and his heires and assigns forever, in manner and forme, and under the conditions and limitations hereinafter expressed, one of the said house lots and one great division, containing in the whole one hundred acres". The Assembly further enacts, ordains and declares that certain forty-eight enumerated persons are the ones "unto whom the said tract of land is granted, and who shall possess and enjoy the same, their heires and assigns, accordinge to the true intent and meaninge of this present grant. And to the end that the said persons and their successors, the proprietors of the said land from time to time may be in the better capacity to manage their public affaires, this Assembly doe enact and declare that the said plantation shall be a town, by the name and title of East Greenwich, in his Majesty's Collony of Rhode Island and Providence Plantations, with all rights, libertys, and priviledges whatsoever unto a towne appertain-

<sup>1</sup>R. I. Col. Rec., vol. iv, p. 322.



MAIN STREET, KINGSTON.

inge; and that the said persons above mentioned, unto whom the said grant is made, are by this present Assembly and the authority thereof, made and admitted the freemen of the said towne, and they, or soe many of them as shall be then present, not being fewer than twelve on the said land, are required and empowered to meet together upon the second Wednesday in April next, and constitute a towne meetinge, by electinge a Moderator, a Town Clerke, with such constables as to them shall seem requisite; and alsoe to choose two persons their Deputys to sitt in General Assembly, and two persons, one to serve on the Grand Jury, and one on the jury of Tryalls, in the Generall Court of Tryalls, and soe the like number and for the said services at the said Court from time to time". Provision was made for the settlement upon the grants and against the alienation of the same for a period of twenty-one years. The public interests were further served by an enactment "that the freemen of the said towne shall make and lay out convenient highways from the Bay up into the country, throughout the whole towneship, as shall be convenient for the settlement of the country above and about the said towneship". This town with the others in the King's Province was deprived of its original name during the period 1686-1689 and known as Dedford. The town records of 1740 contain the following entry: "Propositions for setting off the westerly part of said town into a township by itself, as set forth in a petition now lying before the General Assembly. The Moderator put it to vote whether they would give consent for the setting off the westerly part of said town, as aforesaid, or not, and the vote was in the affirmative by a very great majority". On April 6, 1741, the town was divided into East and West Greenwich. The act of incorporation of West Greenwich provides for the new town "like benefits, liberties, privileges and immunities with other towns in this colony, according to our charter"; also for the issue of "a warrant to call in the inhabitants of the said town together on the third Tuesday of this instant April, to elect such town officers as they shall have occasion for, and the law directs; and to appoint the time of their town meeting, and the places, and to choose and elect two deputies, to represent them at the next General Assembly, and so on, as by the charter is directed".

The incorporation of Jamestown is the only record of the session of November 4th, 1678.

"The Assembly called and satt.

"Voted, That the petition of Mr. Caleb Carr and Mr. Francis Brinley, on the behalfe of themselves and the proprietors, for Quononoquutt Island to be made a towneship, shall be first adjitated and debated.

"Voted, That the said petition is granted; and that the said Quononoquutt shall be a towneship, with the like priviledges and libertyes granted to New Shoreham.



“Voted, This Assembly is adjourned until Friday, the 8th instant. one of the clock, after noone.”

As population increased the transaction of the town business of nearly all the area of what is now Providence County at the village of Providence became inconvenient and the interest of the different parts of this area became divergent. Accordingly in April, 1730, the free-men voted for a division of the town and at the General Assembly in the following June, “Upon the petition of the town of Providence, setting forth the ill-conveniency of the said town’s being so large, and praying that a committee might be appointed to inspect into said affair: It is voted and enacted that Mr. Samuel Clarke, Mr. Francis Willett, and Mr. Wm. Robinson, be a committee appointed to inspect into and consider of the situation and circumstances of said town of Providence, in order for a division of the same into three or four parts, and make report thereof to the next session of this Assembly”. On February 20th, 1730-31, there was passed “An Act for erecting and incorporating the out-lands of the town of Providence into three towns. Forasmuch, as the out-lands of the town of Providence are large, and replenished with inhabitants sufficient to make and erect three townships, besides the town of Providence, and the land lies convenient for the same, which will be of great ease and benefit to the inhabitants of said lands, in transacting and negotiating the prudential affairs of their town, which for some time past, has been very heavy and burthensome”. The towns incorporated at this time for this reason were Smithfield, Scituate and Glocester.<sup>1</sup> The acts of incorporation usually provide “that the inhabitants thereof have all the liberties, privileges and immunities, as the other towns in this State generally have and do enjoy”. Divisions of the existing towns follow rapidly during the eighteenth century. Charlestown is set off from Westerly in 1738 because “the present town of Westerly, is very large, and its inhabitants are numerous, many of whom live at a very remote distance from the place of meeting appointed for the transacting the public and prudential affairs of the town; and the rivers there (especially in the middle part thereof) being very large, so that the way to said meeting is rendered difficult as well as dangerous, and many of the inhabitants are thereby often impeded and hindered in attending thereon, which proves a great injury and hurt to them”; and also because “the said town is well situated, and lies commodious for a division into two towns, which being divided, will tend to the general interest and advantage of all its inhabitants.”

As already described West Greenwich was incorporated in 1741. On August 21st of the same year it was declared that “Whereas, several of the inhabitants of the town of Warwick, by petition to this

<sup>1</sup>Laws of 1798, p. 92.

Assembly, did set forth the great disadvantage they labor under, on account of the great extent of said town; and as it is conceived it will be more for the ease and benefit of its inhabitants in transacting and negotiating the prudential affairs thereof, to have a division made: Be it therefore enacted by the General Assembly, and by the authority thereof it is enacted, that the western part of the town of Warwick be divided and set off from the eastern part thereof, by a north and south line drawn from the most western bounds of the westernmost of the Cowesset farms, and incorporated a township, and the same to be distinguished and known by the name of Coventry". Exeter was set off from North Kingstown on March 8, 1742-43. The differences between the rural and the more compact portions of the Island of Rhode Island led to a petition of a "number of ye inhabitants of ye woods" "for dividing ye town" in 1741.<sup>1</sup> "It was put ( ) whether ye town should be divided into two parts. Voted, that it should not be divided". A committee of the General Assembly on petition of certain persons made an investigation and "upon hearing the re-division of said town, made the following report: That they were of opinion, there was no necessity for dividing the aforesaid town of Newport. Which report was thereupon voted to be accepted". "Ye inhabitants of ye woods" were not discouraged and secured an act of incorporation of the town of Middletown, June 16, 1743. The town was set off from Newport under Act of August 24th, 1743, and the first town meeting held on the 30th.

A sweeping act was passed on January 27th, 1746-47, "incorporating the inhabitants of the lands lately taken into this Colony, by the settlement of the eastern boundaries into five townships", stating that "Whereas, His Majesty has been graciously pleased by his royal determination, to settle the eastern boundaries of this colony, whereby several large tracts of land, and a great number of inhabitants are taken under the jurisdiction of this government; and it being absolutely necessary for the well governing the said people, that the said tracts of land, with the inhabitants thereon, be set off and incorporated into townships, and the same being conveniently situated for the making of five townships;

"Be it therefore enacted by the General Assembly, and by the authority of the same, it is enacted, that the aforesaid tracts of land, with the inhabitants thereon, be set off and incorporated into five towns in the following manner, viz.:

"All that part, which heretofore has been called Bristol, with the inhabitants thereon, be set off and incorporated into a township, by the name of Bristol; and that that part which was heretofore (known) as part of Tiverton, with a part of Dartmouth and Freetown, adjoining thereto, be incorporated into a township, by the name of Tiverton, and

<sup>1</sup>Newport Records, Nov. 16th.

that part which has heretofore been a part of Little Compton, and a part of Dartmouth, thereto adjoining, be incorporated into a township by the name of Little Compton; and that the line which formerly divided Tiverton from Little Compton, be extended easterly, to the colony line, and the whole to be dividing lines between said towns; and that part which has heretofore been a part of Swansey and Barrington with a small part of Rehoboth thereto adjoining, with the inhabitants thereon, be incorporated into a township, by the name of Warren; and that part which has been commonly called and known by the name of the Gore of Land, with the inhabitants thereon, be incorporated into a township, by the name of Cumberland; and that the inhabitants of each respective town, for the time being, shall have and enjoy equal liberties and privileges with the other towns in this colony, agreeably to our charter."



CROSS'S MILLS, CHARLESTOWN.

Charlestown lost the area incorporated as Richmond on August 18, 1747. A portion of the town of Cranston somewhat larger than the present town of Cranston was set off from the town of Providence and incorporated as Cranston on June 14, 1754. Westerly was again divided by an act of March 14th, 1757, which declares that "Whereas, a great number of the inhabitants of the northern part of the town of Westerly, preferred a petition, and represented unto this Assembly, that the said town being upwards of twenty miles in length, they are much aggrieved by reason many of them are obliged to travel some fifteen or sixteen miles, to get an instrument recorded; others, eighteen or twenty miles, when business calls them before the town council, or to



attend at a court of justices—the greater part of the public business being at this day transacted and done in the southern parts of said town; and thereupon prayed that the same may be divided; nature having cut it into two parts, by the large river, called and known by the name of Pawcatuck; and that they may be entitled to equal privileges with the other towns in this colony; on consideration whereof,—

Be it enacted by this General Assembly, and by the authority thereof it is enacted, that the said town of Westerly be, and the same is hereby, made and divided into two distinct and separate towns; and that such part thereof, as lieth to the southward of the aforesaid Pawcatuck river shall still be, and remain a town, holding its ancient name of Westerly; and all the lands lying to the northward of said river, shall also be, and hereby is erected into and made a town, to be distinguished, called and known by the name of Hopkinton”. Johnston was set off from Providence for similar reasons by an Act of March 6th, 1759. The Act of June 13th, 1765, by which North Providence was incorporated, shows other reasons leading to divisions: “Whereas, a large number of the inhabitants of the northern part of the town of Providence, preferred a petition, and represented unto this Assembly, that there are within the limits of said township, upwards of four hundred freemen; that those who dwell in the most compact part, are altogether merchants and tradesmen; and that far the greater part of the petitioners dwell in the more remote part of said township, and are near all farmers, whose interest and business often times differ from the merchants; that town meetings have been often called, and held in the compact part, upon matters and things which did not, and do not concern the farmers in the northern and more remote parts of said town; that they, the petitioners, nevertheless, have been, and still are, obliged to leave farming business, and to attend upon said meetings, to prevent things being voted to their disadvantage which hath occasioned much loss of time, contention and expense, which ought to be borne by the merchants and tradesmen; all which, being very inconvenient, they prayed to be set off, erected and made into a township.”

As the records show, the inhabitants on the west side of what was known as the Great River in Warren and those upon the opposite shore did not live in such “peace and mutual fellowship” as to cause affairs to move smoothly. Accordingly a petition for division was put in at the May session of the General Assembly in 1770. At the session of June 11th, 1770, the town was divided and the town of Barrington incorporated. This was the last act of incorporation to be followed by the words “God Save the King”. The extent of the town of Scituate and “other disadvantages” led to the incorporation of the town of Foster, August 24, 1781.

Thus rapidly with the growth of the Colony did divisions of the territory into towns take place up to the end of the eighteenth century

and with the end of the century the movement almost ceased. Burrillville was set off from Glocester on October 29, 1806, for eighteenth century reasons. Toward the end of the nineteenth century the process of reunion becomes common.

Fall River which was taken from Tiverton, one of the five towns set off from Massachusetts to Rhode Island by royal decree, January 27, 1746-47, was a Rhode Island town from October 6, 1856, till ceded again to Massachusetts on the settlement of the boundary dispute on March 1, 1862. By this settlement the westerly part of what had formerly been known as Seekonk, Massachusetts, was annexed to Rhode Island and incorporated as East Providence. This same settlement also brought a portion of what is now Pawtucket within Rhode Island limits.

Pawtucket had been set off from Seekonk by the General Court of Massachusetts on March 1st, 1828, and held its first town meeting sixteen days later, of which there is the following record:

"March Meeting, Monday March 17, 1828. At a meeting of the Inhabitants of the Town of Pawtucket qualified to vote in Elections and in Town affairs, held at the Rev. Mr. Greens Meeting House on Monday March 17th, 1828. In persueance of a warrent issued by Elijah Ingraham Esq. notifying said inhabitants to meet at the aforesaid time and place for the purpose of choosing Town Officers and organizing said Town". The officers chosen were Moderator, Clerk, Treasurer, three Select Men, and it was "Voted, That the Select Men chosen as aforesaid constitute the overseers of the Poor of said Town". There was also chosen Constable, Health Officer, Measurer of Wood and Bark, Measurer of Plank and Timber, Hog Reaf, and Field Driver. This meeting adjourned to meet April 7th at "the Brick School house."<sup>1</sup> Rhode Island towns were not accustomed to the Massachusetts practice of assembling in meeting houses. Later the list of town officers included Surveyor of Highways, Fence Viewer, Pound Keepers, Hog Constable in place of "Hog Reaf", Sealer of Weights and Measures, Assessors and Fire Wardens. Affairs were carried on as the sphere of these town officers would seem to indicate. After the town was admitted to the State of Rhode Island a meeting was called on March 1st, 1862, in accordance with the proclamation of the Governor. At this meeting there were elected a Moderator, Clerk, five members of the Town Council, Treasurer, four Justices of the Peace, Town Sergeant, Collector of Taxes, five Assessors, three Street Commissioners, three School Committee, two Overseers of the Poor and Farm Commissioners. Auctioneers, State Senator and Representatives.

The Town Council met and organized March 4th, 1862. At the meeting on the following day there were appointed six Field Drivers,

<sup>1</sup>Town Meeting Records. From 1828 to 1855. Eastside Book I, p. 4.





four Constables, Sealer of Weights and Measures, two Cordors of Wood, two Fence Viewers, a Superintendent of Chimnies and Stove Pipes, Surveyor of Lumber, a Sexton, three Cemetery Committee and a Town Vaccinator.<sup>1</sup> Later the Council counted the votes cast by the Town Meeting.<sup>2</sup> In 1874 a portion of North Providence was annexed making the more thickly settled section on both sides of the river one town. A portion of this area belonging to Rhode Island had been made the "District of Pawtucket" by an act of 1801 for the protection from fire. The enlarged town grew rapidly and town government became unwieldy. On April 1, 1885, the electors by a vote of 1,450 to 721 accepted the act of city incorporation passed March 27, 1885, and the city government was inaugurated January 1, 1886. The organization was of the usual form in Rhode Island: Mayor, Aldermen, Councilmen and regular officers.



WALCOTT STREET, PAWTUCKET.

From an old painting in the rooms of the Pawtucket Business Men's Association.

Woonsocket as a town was set off from Cumberland in 1867 and with a portion of Smithfield annexed at the time of the division of that town in 1871 was incorporated as a city on June 13th, 1888.

The largest town in the State in 1871 was Smithfield. The interests here had become so diverse that division was a subject of much discussion and finally on the 8th of March, 1871, the town was divided and the towns of Lincoln and North Smithfield (at first called Slater) were incorporated.

Central Falls was taken from the town of Lincoln and made a city March 18, 1895, accepting the act of incorporation of February 27, 1895, by a vote of 1531 to 794, about the same ratio as that incorporating Pawtucket ten years earlier.

<sup>1</sup>Council Book No. 1, Town of Pawtucket, p. 1.

<sup>2</sup>Ibid, p. 367.

An Act of March 22d, 1888, provides a portion of North Kingstown shall be "incorporated into a district by the name of Narragansett and the inhabitants thereof shall have and enjoy the like benefits, liberties, privileges and immunities and be subject to like duties and responsibilities as the several towns in this state generally enjoy and are subject to, except as is hereinafter provided". "For all state and national elections, including that of senator and representatives in the general assembly of this state and representatives in the congress of the United States, the town of South Kingstown is divided into two election districts, to be known as the first and second districts, the first district to comprise all that portion of said town that is not by this act set off as the district of Narragansett, the second to comprise that portion of said town as is set off as said district of Narragansett". The district council was to "have as full probate and other jurisdiction as are now by law imposed or conferred upon town councils in this state, to the exclusion of the town council of the town of South Kingstown within said district". This is a unique local division of the State. Districts for more restricted purposes as for the purpose of fire protection had been established from time to time in earlier days.

Thus at the end of the nineteenth century the colony of the 17th century with its four early towns had by division, annexation and re-division become a State with thirty-two towns, five cities and one district.

The towns that had been formed by the sub-division of the older towns had been themselves in some instances sub-divided. All of these readily set up political machinery. Sometimes this became more elaborate than in the days before division or retained a simple form as in the case of Middletown.

With the growth of the centers of population the functions of local government were enlarged and defined. The administration of local affairs was left in the hands of a few and political powers were more and more delegated. This was the natural consequence when the inhabitants were engaged in business ventures and commercial undertakings which occupied their time and thought. The business transacted in the town meetings gradually becomes largely routine and town action relates to general policy rather than to petty details.

#### THE RANGE AND NATURE OF TOWN GOVERNMENT.

From the relation of the towns to the central government, these local units in Rhode Island always exercised a wide range of functions. The functions rarely interfered unnecessarily with personal liberty, but were such as "time and place" demanded. The nature and range of the activity of the towns can best be shown by reference to some of lines of control as shown in the records.

On account of the lack of fences many domestic animals were

allowed to run freely in the early days, but this caused great inconvenience and became a matter for the consideration of the town. One of the earliest provisions was in regard to the proper handling or marking of animals allowed to run at large. The records of the towns contain many pages of entries of ear-marks and other evidences of ownership. Westerly, on March 22, 1682, "Voated that Every Inhabetnat in this towne shall cause the artiffieciall markes they putt upon thire cattle hogs and horses both eare mark and brande-marke to be Reccorded in the Towne booke". These marks served for convenience in identification and also for protection. As early as August 11, 1656, four men are chosen at Portsmouth "to survaie and view all Cattell that shalbe hence forth transported of the Iland and to take the names of all such as transport Cattell the day of the month when, the number of the Generall Cattell with there seuerall ear marks and if any haue Cattel that haue not ther oun ear marke or that haue other marke or markes then ther owen the suruayers ar hereby required to make stopp of them unless thay giue satisfaction to the suruayers howe thay Cam by those Cattell so differently marked and the survayers shall haue for ther payns according to former order and the survayers ar to se the Cattell boated and if any Carry Cattell of the Iland in the night though suruayed before shall haue a suruayer to see them at ther going of shore or shall forfeit tenn pounds and stand to further sensuer of the toune". The towns make regulations for the use of common lands and highways by animals of various kinds as at Portsmouth: "Voted That noe person within this Towneshipp Shall have liberty of above one horse kinde above a yeare old to pasture on the Comon from the first of Aprill till the last of October yearly for the future; and that, one horse kinde soe beinge on the Comon to be kept well fettred or Shackld, and if any horse kinde above one Yeare old be found on the Comon in this Towne-Shipp Contrary to this Order, if the owner thereof after warneinge given take not Speedy Course to ffetter or shackle the said horse kinde, It shall be Lawfull for any person to kill the Said horse kinde soe unfettered or unshackled".<sup>1</sup> These rights of pasturage in the highways have a value in exchange as shown by a record:

"Portsmouth May ye 19th day 1754

"These may Certify ye Town Clerk of Portsmouth that I John Cory have sold my right that I haue of Cattle Runing in ye highways unto John Burrington of sd Town as Witness my hand

John Cory."

General laws were later passed by the colony in regard to the care of various animals. In 1698 it was enacted "That all hogs yt any person hath or doth raise he shall not Suffer them to go on ye Comon wthout being yoaked & ringed & if at any time any hogs Shall be found

<sup>1</sup>Records Town of Portsmouth, 189.



on ye Comon unyoaked or Ringed they shall be pounded & kept Untill ye Owner hath paid ye Charge of Poundage & doth order ye Yoaking & Ringing & if any Such hogs going on ye Commons unyoaked & Ringed & be taken trespassing in any mans Land ye owner or owners of all Such hogs found Trespassing Shall pay all damages weh upon Refusall ye party Greived may have his Action of damage & trespass & Recouer ye Same by Law". The towns seem to have felt it necessary to bring such acts nearer to the inhabitants by special vote at times as when on January 17, 1698-9, Jamestown "Voted that no hog nor hogs nor pig nor pigs shall be keep in the highways without a yoak on them". Such regulations in regard to town affairs give many pictures showing the development of respect for general public rights.

In Providence lots are set apart for a "training field, burying ground and other public uses", at a town meeting in 1700. More liberal provision is made for the improvement of the highways and town spirit becomes more general. Affairs are entrusted to committees with power to act.

During the first quarter of the eighteenth century there was sometimes a tendency to bring matters that now have a quaint interest into the meetings such as in Providence that "no oyster or shells should be taken or catched up under the bridge at Weybossett" under penalty of a 20s. fine", or the order that if water breaks forth from the cellar of a house upon the east side of the "Towne Streete" the owner "should as soon as he conveniently can make some subtoraneous Passage for sd water by which it may be conveyned into the River of this Town". This tendency to elaborate statement appears in nearly all the records to some extent.

A record of a coroner's inquest at Portsmouth in the case of an Indian squaw found dead upon the Island reads, "by the best of our intilligence and according to the best of our understandings we find that She was drowned and that water was the cause of her death"<sup>1</sup>. An inquest in Providence January 27, 1713-14, contains the engagement of the coroner's jury and the finding: "You do Promise true & faithfull alegiance to her Majesty and on the Trust Comitted to you Equall justice & Right to do to all persons both poore & Rich without Partiallity and make Returne in writeing under your hands, that so her Majesty may know how shee came to loose a subject,

"Wee find according to th best of our Judgments & the best information that wee can gitt, that his time being Come hee died a Naturall death."<sup>2</sup>

An attempt was made to promote the growing of flax and hemp in the colony and a new officer appears under the name of "Hemp and Flax Viewer". This attempt was not successful and the officer was

<sup>1</sup>Records of the Town of Portsmouth, p. 297.

<sup>2</sup>Early Rec. Town Providence, vol. ix, 2.

appointed only for a few years.<sup>1</sup> "Vendue Masters" to have charge of auction sales were ordered chosen by a law of 1719.<sup>2</sup>

Officers naturally multiplied as the towns increased in size and the business of local government became more complex. Some of these officers become regular salaried agents of the towns. The town clerks and town treasurers have more duties thrust upon them. Other officers like some of those above mentioned have functions which are the result of the special circumstances of the time such as "Corders of Wood, Surveyors and Measurers of Boards and Plank Timber and slitt work and Shingles and Clapboards, cullers of hoop stuff; Viewers of fish, oil and whale-bone; hog wards; field drivers; the watch; Fire Wards; etc".

The General Assembly from time to time prescribed duties for the town officers. In 1700, a constable's watch was ordered for each town of the colony.<sup>3</sup> In 1703, it was enacted that "If any negroes or Indians, either freemen, servants, or slaves, do walk in the streets of the town of Newport, or any other town in this Colony, after nine of the clock of the night, without a certificate from their masters, or some English person of said family with them, or some lawfull excuse for the same, that it shall be lawfull for any person to take them up and deliver them to a Constable". Apparently Newport did not feel quite certain of the legality of the powers which it had been exercising in town affairs for some of the citizens applied for a charter, and on May 7th, 1705, the freemen of the town were given authority "to consider and act on such prudential affairs in passing acts and orders for the duly governing the affairs only properly needfull and necessary for said town". This was not so elaborate as the charter granted to Providence in 1649 of which that town never seems to have taken much notice. By an act of 1729, the town councils were given power to regulate Indian dances that such dances might not be "prejudicial to the adjacent inhabitants". Local meetings still seem to have been scenes of differences, the General Assembly felt called upon to pass an act to prevent further "great disturbance in town meetings" and to compel moderators to put motions which had been duly made. The colony was obliged to take action in regard to highways in some of the towns. Purely local affairs received less of the attention of the General Assembly as general business increases and the larger towns become reluctant to entrust matters concerning themselves to a body in which the rural sections have so great weight.

In some of the towns protection from fire became an early subject for the consideration of the inhabitants. On the Island it was provided as early as March 19, 1641, "That no Fiers shall be kindled by any what-

<sup>1</sup>Public Laws, 1730, p. 144.

<sup>2</sup>Public Laws, 1719, p. 111.

<sup>3</sup>R. I. Colonial Records, iii, p. 424.

soever to runn at randome, eyther in Medows or Woods; but what by him that so kindled it shall forwith be put out, that it damnifie none. And that if damage shall accrew, satisfaction to the utmost shall be awarded".<sup>1</sup> With the growth of compact settlements other regulations arose leading the legislature to provide that "whereas there is Great occasion for severall acts and orders for many Towns wthin this Colony for ye Preventing of fires weh may happen in ye Towns & more Especially in ye Town of Newport where the houses are built neer together & Some adjoyning therefore be it Enacted by this Assembly & ye Authority thereof That ye Under written orders be Duely Observed & performed upon ye Penaltys Under written and it is hereby Enacted That Every person Dwelling wthin ye Limitations Expresed (viz) from ye Place where ye Pound is being at ye East End of ye Town & So Downward to ye harbour as farr as ye Building Doe Extend both northward & southward Shall for every Dwelling house be The owners thereof Duly kept & maintained one Ladder yt will Reach Up to ye Roof of ye house or where ye houses are high then one Long Ladder & an Short Ladder yt may be tied to ye Same or Else to forfeit for one & every months Defect one Shilling pr Month

Also yt Chimneys be kept Cleare & one person appointed Every three month to view them & if they want Clensing to order them to be Sweept & if any person Shall neglect so to keep his Chimney Cleare him or them so neglecting Shall for Each weeks Defect forfeit Six pence for every Chimney

Also Be it Enacted yt every person yt Layeth or Causeth to be laid in ye Streets any Combustable matter as Straw hay or Chips or Shavings &c Shall after he hath warning to remove or otherwise dispose of Such Combustable matter & do not Speedily Doe ye Same for Each nights defect forfeit Six pence".<sup>2</sup>

Various officers were appointed from time to time to guard against fires. Among the earliest of these were the "Fire Constables". In Providence the protection of the town from fire does not seem to have been an object of particular care before 1754. Then arrangements were made for the purchase of an engine. The destruction of the Court House by fire in 1758 caused the town to take more decisive measures. In June, 1759, a fire department was organized with three "Fire Wards" to have the general charge of the department, and eight "Fire Constables" who were more especially the executive officers. "Fire Wards" were also elected in other towns. After 1768 in Providence the "Fire Wards" were called "Presidents of the Fire Wards" and the "Fire Constables" were known as the "Fire Wards". The numbers also sometimes vary. Men were also chosen to have charge of the "town engines" and other apparatus. Others were to

<sup>1</sup>R. I. Col. Rec. vol. i, 114.

<sup>2</sup>Laws and Acts of R. I. Digest, 1705, p. 43.



have charge of the removal of goods and still others were appointed to "pull down buildings" in order to check the spread of fire. These services were almost wholly voluntary. The organization in the same general form continued till 1854. At this time, in accordance with an order of the city council, it was superseded by a paid department, consisting of a board of engineers, one chief and five assistants, and four hundred and fifty firemen. The next important change in this department was made in 1885, when it was ordered that the fire department consist of a chief engineer, a deputy chief engineer, and not exceeding four assistant engineers, to be appointed by the city council and such other officers as should be appointed by the chief engineer, acting under the advice of a committee of five members of the city council, making the chief the responsible head of the department. By him rules and regulations were to be made subject to the approval of the committee. By an act of 1892 the department was reorganized and placed under a Board of Fire Commissioners, three in number, elected by the City Council in convention. There is a "Chief Engineer", a "Deputy Chief Engineer" and two "assistant engineers". Since 1867 three presidents of the fire department have been annually elected under the provision that one shall be the chief engineer, who may give direction for the pulling down of buildings and take like measures for checking the progress of a fire. Officers for this purpose were elected for many years before 1867. In 1881 the office of fire marshal was created. It is the duty of this officer to investigate the cause and extent of fires within the city limits and submit the result of his investigations. Other cities show a differentiation of powers though not generally into so many hands. The modern organization and apparatus is in striking contrast to the provision of two centuries earlier that the owners of houses keep and maintain "one Ladder yt will Reach Up to ye Roof of ye house or where ye houses are high then one Long Ladder & an Short Ladder yt may be tied to ye Same or Else to forfeit for one & every months Defect one Shilling pr Month". The Pawtucket Town Council elected a "Superintendent of Chimnies and Stove Pipes" as late as 1862. The rural towns in some cases elect officers to act in case of fires, in other cases leave such matters to voluntary associations.

Other phases of town life which early received such passing attention as fire protection received, like that grew in importance with the development of the towns. The development of police protection is in many points similar though police regulations were early much more elaborated. The "Constable" was the common officer of early days and often needed in towns made up of men of such divergent opinions. The change from one constable to several and then to an organized police force with differentiated functions was gradual in the thickly settled portions and often a change very reluctantly made. The methods of enforcing order and inflicting penalties were seen in orders

to erect stocks, prisons, etc. Portsmouth voted in 1648 to pay "for the yrons for the stockes" and in 1654 "It is ordered that a dippinge stoole shalbe made in this town and sett at the water side by the po ( ) de". Providence ordered "A paire of stockes" in 1666. East Greenwich on January 10, 1732, "Voted and Ordered, That there shall be a good pair of stocks and a Whipping Post, made at the Town's cost". The records show that these means of enforcing order were used as necessity arose till the days when public punishments came to be looked upon with disfavor.

The towns early made many regulations in regard to the sale of liquors. At Portsmouth "August the 26 ( ) 1647 It is ordered that thear shalbe two InCepers Chosen for this towne Ralph Erle is Chosen to Ceepe an Inne to sell beer & wine & to intertayne strangers".<sup>1</sup> The early permits have this general form: "mr William Balstotn bein licensed to sell Wine bere & victuals, doe acknowledge him selfe according to the tenor of the law to be bound in the some of tenn shillings, for every defect, to keepe good orders in his howse, and mr John Porter and Richard Bordin according to the tenor of the law stand bound for mr bostons keeping good orders, in his howse: in the sum of 10 shillings apeece for every defect: taken in Court P me Philip Shearman Town Cler( )". The town also sometimes regulated the price in Portsmouth as "At a towne meetinge June the 3d (1651) It is ordered that the Clarke of the measurers shall goe once a month to those places in this towne wher breade and beere are soulede, to see that the to peny white loafe way i6 ownces and beere bee sould for two pence a quarte and those that transgress the lawe in those Cases by selling bread that is not wayt and beere Contrary to order shall forfeit 10s for every defect which shall bee taken by destraynt by the Sarjant by a warrant from the heade officer of the towne".<sup>2</sup> Sometimes the action is so simple as at Jamestown "Sampson Batty is admitted to Sell Drink". The penalty for illegal selling is shown in a Jamestown record of October 25, 1698, when a certain man "being found guilty for selling of drink ( ) without Lisenced Athority is fined 20 shillings". There were efforts to keep liquors from the Indians, as is shown in the following: "It is also ordered that it shalbe lawfull for any Pson or Psons of thee Inhabitants of this toune if thay meete any Indian within the bounds of this toune with any of the aforesayed prohibited liquors stronge beer or wines to take it from them and to Call ayde if neede bee, and thay that take from the Indians any such liquors beer or Wines with in the bounds of this toune shall haue it for ther paynes". There is no record showing whether the reward was such as to stimulate the inhabit-

<sup>1</sup>Records Town Portsmouth, p. 35.

<sup>2</sup>Ibid, 50.

ants to action. In 1661 two men were "Chosen Serchers for prohibited wine and strong watars."

The towns were also anxious that order should be kept on Sunday even though not desiring any union of the religious and secular authorities. So early as 1679 it was possible for the towns to agree upon a general law as follows: "Be it Enacted by ye Goverer Councill & Representatives in This present Session Assembled & by ye authority of ye Same be it Enacted yt if any Person or Persons wthin this Iurisdiction Shall Employ his Seruants or hire & Employ any other mans Servant or Seruants & Sett them to Labour on ye first day of ye week ye Person or Persons So offending Shall upon Prooffe thereof made pay for every offence by him or them Comitted five Shilings in Mony to ye use of ye poor of ye Town or place in weh ye offence or offences are Comitted weh sd five Shillings if ye person offending refuse upon Conuiction before one Majestrates to pay, a warrant under ye hand of one majestrates directed to ye Serjant of the town where ye Offence was Comited Shall be his Sufficent Warrant to take by distraint So much of ye Estate of ye offending Party togeather wth two Shilings for his Service therein And be it Further Enacted by the authority aforesaid

"That if any person or Persons Shall presume to sport game or play att any manner of game or games or Shooting out of any gun or Shall Sett tipling & drinking in any Tauern alehous Ordinary or Vitling house one ye first day of ye Week more than Necessety Requireth & Upon Examination of ye fact it Shall be Iuged by any Iustice of ye Peace & ye Person or Persons so offending as aforesd Upon Conviction before one Iustice of Peace Shall by ye sd Iustice of ye Peace be Sentenced for every ye aforesd offences to Sett in ye Stocks three houres or pay five shillings in money for ye use of ye Poor of ye Town or place where ye Offences was Committed".<sup>1</sup>

The development of the system for the care of the poor shows that although individualistic in a high degree, the towns were not unwilling to take a reasonable care of the poor and bear a reasonable tax for the support of the unfortunate ones who were properly their charges. The towns of Rhode Island were of necessity obliged to exercise great care that those who belonged elsewhere might not be thrown upon them for support, for in the neighboring colonies there was the opinion that any one would be received in this colony. The number of those who had found a refuge here when expelled from other colonies gave some ground for this opinion. The care of the poor in the beginning was determined by the conditions prevailing in the respective settlements. This is seen in such a case as that of the care of one "John moatt" or "John Mott" who seems to have been in part supported by

<sup>1</sup>Laws and Acts of R. I., Digest, 1705, p. (31).



the town of Portsmouth from 1644 to 1656. The first town order in regard to this man is in part illegible, but apparently Mr. Baulston is to have "a pound A year" for the care of "John Moatt". The next record implies that the town will support him or become bankrupt in the attempt: "Janiwary the 25th 1648. It is Voated and Concluded that ould John Mott shall be provided for of meate drinke & lodging & washing by George Parker at his howse and Georg Parker shall haue 5s a weeke payd him monthly out of the treasure by mr Boston so farr as the treasure will goe".<sup>1</sup> In 1650 "Mott" is put in charge of the overseer of the poor. In 1651 ten pounds were allowed for his support. The price advances and in 1652 it is "11 lb and the 5 bushels of corne & the use of the Cowe". In 1654 the town agrees "to pay ould John motts passage to the Barbades Iland and back againe if he Can-not be receiued there, if he liue to it, if the Shipp owners will carrie him". His son also seems to have contributed to his support five bushels of corn annually and a cow. As the towns developed the ordering of the care of the poor often devolved upon the Town Councils. While the Town Councils usually guard carefully against receiving any into the town who may become chargeable to it, yet the towns care for such as are in destitute circumstances. This care is exercised by the overseer of the poor, an officer very generally elected from the beginning of the eighteenth century. A work house was also early established in Providence, with an overseer to have it in charge. In the latter part of the eighteenth century a town hospital was found necessary. With the establishment of cities these duties in regard to the care of the poor usually pass to the Boards of Aldermen.

Thus in all departments the differentiation of function and the appointment of special officers went on until the once simple meeting of neighbors for consultation was superseded by an elaborate system of administrative machinery.

In 1729 a new local unit was introduced into the Rhode Island system by the division of the colony into three counties in order that the "remote inhabitants" might not be "put to great trouble and difficulty, in prosecuting their affairs in the common course of justice, as the courts are now established".<sup>2</sup> For other than judicial purposes the county in Rhode Island has never been an important political division. At the time of the establishment of the counties, the judicial system was outlined in detail.<sup>3</sup>

#### REVOLUTIONARY PERIOD.

The eighteenth century till the days of the Revolutionary War was a period of steady growth among the Rhode Island towns. The

<sup>1</sup>Records Town of Portsmouth, p. 39.

<sup>2</sup>R. I. Colonial Records, iv, p. 427.

<sup>3</sup>Public Laws, 1730, p. 1888, ff.

population increased rapidly in Providence and Newport and both towns became important commercial centers. It was thought by many that Newport was destined to be the great port of the English possessions in America. The towns asserted with renewed force their individuality as the dangers of the war drew nearer. Providence at the beginning of the Revolutionary period was a prosperous town of about four thousand inhabitants with a considerable public spirit, as had been shown in its effort to bring within its borders the Rhode Island College, now Brown University, toward which it had agreed to make larger contribution than any of the other towns. When the British authorities attempted to levy a tax by means of force the town at the head of the Bay at once manifested the spirit which a month later at the meeting of the General Assembly was voiced in the instructions to the Commissioners who were appointed to confer with the commissioners from the other colonies. The inhabitants of Providence in the Town Meeting of August 13th, 1765, declare that "As a full and free enjoyment of British liberty and of our particular rights, as colonists, long since precisely known and ascertained by uninterrupted practice and usage from the first settlement of this country down to this time, is of unspeakable value, and strenuously to be contended for, by dutiful subjects of the best frame of government in the world, any attempts to deprive them thereof, must be very alarming and ought to be opposed, although in a decent manner, yet with the utmost firmness". The towns of the whole colony were ready to claim and to defend what they considered to be their charter rights and at once took measures to do so. The inhabitants of the town of Scituate in 1777 maintain in the following remarkable instructions that the charter of the colony became void through the Declaration of Independence:

"Instructions for Job Randall & Timothy Hopkins Esqrs. Deputies to represent ye Town of Scituate at May Sessions of Assembly 1777.

"The Freemen of ye Town of Scituate legally assembled in Town Meeting, taking into their most serious Consideration the Situation of their political Affairs consider themselves injured in the Several Instances hereafter pointed out in these Instructions, and enjoin their aforesaid Deputies to use their utmost Endeavors at ye Sessions of Assembly and at all future Sessions so long as they are Members to obtain a Redress until ye same is effected in manner hereafter pointed out.

"1st: Our Forefathers emigrating from Europe settled themselves in this State then mostly uncultivated among wild Beasts and Savages more Cruel, without ye Blessing of ye Laws of Society, or any Alliance with any One civilized Power to Protect them, after mature consideration & Deliberation had, for their own Peace Quiet and Protection: Petioned the King of Great Britain as a free People to take them under his Care & Protection as a King and Common Father which he

readily accepted and granted a certain Charter which was to be obligatory and binding both upon ye King and People in every Clause Paragraph & Article therein contained. In which Among other things it was Ordained that ye Town of Newport should send to ye General Assembly six Deputies, Providence four, Portsmouth four & Warwick four each other Town in ye State two: the four Towns aforesaid being at that time all ye Towns of Consequence in ye State by Reason of Infancy: Since which time ye King of Great Britain not in ye least acting ye Part of a King & Father but of a cruel Enemy and a Tyrant hath Sent his Fleets and Armies and Infested Many of our sister States, and into the Heart of this in Particular in a hostile manner carrying Fire and Sword before them, upon which ye People being justly incensed declared themselves free and Independant of any Power on Earth either foreign or domestic. Upon which ye Charter aforesaid we humbly conceive became to all Intents & Purposes void. Since which time we conceive there hath not been any Legal Form of Government existing in ye State; as it appears that at ye time our Ancestors Petitioned ye King of Great Britain to take them under his Protection, the Power of Government to be vested in ye People and by them legally Vested in ye King by which he was cloathed with Authority to grant said Charter and upon the Declaration aforesaid ye Power again vested in ye People, where we are convinced it still Remains, as we do not find ye People have since that time either by any Person legally Authorized by them or themselves fixed Any settled form of Government. Yet the Charter is void as it Appears to be is held up as a Form of Government, notwithstanding Since ye granting said Charter many Towns have been incorporated in ye State, and some of them not only obliged by their Number of Inhabitants to Send more Men into ye Field but pay a Larger Share of ye Public Tax than Some of ye Towns Named in Said Charter, and ye Town which you have the Honor to represent is One and yet are not allowed to Send more than two Members to ye General Assembly which we conceive altogether injurious and Unequal to Your Selves & Constituents; Therefore earnestly recommend to You that You Use Your Utmost Influence to Cause an Act to be Drawn up Settling ye Form of Government having Particular Regard that each Town in this State be equally represented having Regard to Number of Inhabitants and Value of Estates in Each Town in ye State. The list when drawn up to be Published in ye News Papers in the State before it be Passed into a Law; and that ye Freemen in ye Several Towns be called together to give their Assent & Dissent to ye same as they shall think Proper, and to Point out Such Alterations as they shall think necessary: In order that ye Good People of ye State may be Satisfied therewith when passed into a Law. We would Still further recommend a Deminution of ye Number of ye Deputies in those Towns that shall be found to have more than their Proportion, before an Augmentation in those that have not their Proportion.

“2d: That whereas at ye very time, when we are risking our lives



and Fortunes to extricate our Selves out of the Power of those that would fleece us of our Money without our Consent to their own Emolument we are Surprised to find that our General Assembly have lately Steped into the same path by Passing An Act granting themselves large Daily Wages without our knowledge or Consent, which when we Consider if we indulge them to go on without Controul to Vote themselves a penny they have upon the same Principals a right to Vote themselves a Pound. We cannot but Shudder at ye Consequence. Therefore recommend to you to insist upon a total Repeal of Said Act as Altogether Unconstitutional and Arbitrary Nevertheless we all agree that the Laborer is worthy of his Hire, but then those who Employ a Man have an Undoubted Right to Agree with & Pay him, therefore We would Recommend that an Act be Passed, that for ye future, the Several Towns be Directed to Agree with their Deputies for their Wages at ye time of Chusing them, and that each Town pay the Expence of their own Deputies.

“3d: We View the Several Militia Laws with concern when we consider ye Universal Uneasiness and Murmuring that hath been Occasioned thereby among ye good People of this State. Occasioned as we conceived partly by ye Advancing of ye Officers Wages, and not ye Soldiers, and partly by ye Militia being so often called into Actual Service. In regard to ye Officers Wages and ye great Disproportion there is between them and ye Soldiers, and when we have considered them in every Point of View, and find but very Little Difference in their Circumstances or Duty in Short in Nothing but their Wages, we earnestly wish ye same may be Remedied. In Regard to ye Militia's being so often called into Service we See many evils arising therefrom: the Farmer ye Mechanic and ye Laborer obliged by ye Power of Government to take ye Field against their Inclinations, therefore go through all ye Duties of a Camp with Grumbling & Reluctance thereby Disaffecting many to ye Service that otherwise would be good Soldiers: Many that are now called upon Altogether rendered unfit for the Duties of a Camp either by Age or Bodily infirmities and can by no means Act with that Sprightliness Necessary in a Soldier together with Many More Difficulties that might be pointed out all which tend to create expence to ye Public without that Advantage that ought to be expected from them all which we point out hoping ye Same may be put upon a Better footing.

“In order to remedy ye whole we Desire that you endeavor to Obtain An Amendment of ye Several Militia Laws by curtailing the Militia officers wages One half and that to be Added to ye Non Commissioned officers and Soldiers Wages in such Proportion that the expence of a Company or Regiment be the Same as it now is. And that one Quarter part of ye Militia in this State be Immediately Ordered to be enlisted and formed into Companies and Regiments with Proper officers of every Rank Necessary to command ye Same both in Service and out: to be called & known by ye Name of Minute Men to be Immediately Accoutered with every thing Necessary for a Soldier in Service, and

that they Always hold themselves in readiness to march at a Moments Warning either in ye State or out of ye Same as ye Governor & Council shall order and that they be allowed Such Wages when in Actual Service as shall be sufficient to Encourage both officers & Soldiers to Undertake and Perform ye Service with Cheerfullness; and that at all times when a Military force is Wanted ye Minute Men to be all called into Service before ye Militia be called for

“All of which is Humbly presented by Gentlemen your most obedient Humble Servants the Committee

Ezekiel Cornell.

William West.

Rufus Hopkins”.<sup>1</sup>

These instructions which on April 28th, 1777, it was voted to receive and that “the same pass as a Resolve of this Meeting”, show also something of the attitude of the town toward the central authority. The towns were jealous of their privileges and not reluctant to criticise the acts of the General Assembly. They were also anxious that the personal independence and rights should be guarded.

The towns other than Scituate did not take such extreme ground, but maintained that “the General Assembly of this colony have, in their representative capacity, the only exclusive right to lay taxes and imposts upon the inhabitants of this colony”.<sup>2</sup> The Collector at Newport was for a time obliged to shelter himself on board ship in the harbor. This reluctance to submit to such dominance of the mother country as they thought ought not to be exercised because of the freedom granted by their charter continued to appear throughout the whole Revolutionary period. In 1773, it was declared “Insomuch as the British Parliament have undertaken to raise a Revenue in the American Colonies by a duty upon Tea; We, the Freemen of the Town of Providence, legally assembled in meeting cannot be silent on so interesting and alarming occasion”.<sup>3</sup> In the previous year the spirit of the town had been shown in the burning of the schooner “Gaspee”, which had been stationed in Narragansett Bay to enforce the laws which had been imposed on the colony. The British authorities offered a liberal reward for the apprehension of those who participated in this affair, but their identity was not disclosed though they were well known to the people of the town. The town of Providence also gave its hearty sanction to what is known as the Rhode Island Declaration of Independence, which was enacted by the General Assembly in May, 1776.<sup>4</sup> The Revolutionary War brought some new duties to the towns in the way of military action and the provisions for meeting the expense.

<sup>1</sup>R. I. Hist. Soc. Manuscripts, vol. iii, No. 500.

<sup>2</sup>R. I. Colonial Records, vol. vi, p. 452.

<sup>3</sup>Town Meeting Records, Dec. 4, 1773.

<sup>4</sup>R. I. Colonial Records, vii, p. 522.

A charter was granted to Newport in 1784 incorporating it as a city, because "under the present government of the said town, it hath been found impracticable to devise, consider, deliberate, and determine upon all such laws and regulations as the emergencies of the said town may, from time to time, require". There was provision for a government by a mayor, four aldermen, six common councilmen, and a city clerk. The mayor with the aldermen and councilmen were to constitute a city council for the transaction of general business. The aldermen were to have certain powers similar to those of the justices of the peace and together with the mayor were to be a city court. This charter was repealed on March 27th, 1787. The records of the General Assembly give the following account of the episode in Newport political history:

"Whereas, divers of the inhabitants of the city of Newport preferred a petition and represented to this Assembly, that about two years since a number of the inhabitants of the then town of Newport convened in town meeting, and without consulting many others of their fellow townsmen, or giving them an opportunity to consider the consequence and importance of a change in their town regulations, and of introducing a mode of government novel, arbitrary, and altogether unfit for free republicans, did hastily, and without due and proper consideration, prefer a petition to the General Assembly of this state, to incorporate the said town into a city; that the General Assembly were then pleased to grant the same, . . . since which they have experienced many inconveniences and indignities, unknown to them before said incorporation, injurious to their property and civil liberty, and incompatible with the rights of freemen; that the choice of the mayor, aldermen, and common council is effected by a few leading, influential men, who, when chosen, have the appointment of all city officers", etc. The petitioners for the repeal claim that the powers are indefinite, the administration expensive, the mayor having the same salary as the governor, and that for all these reasons the charter should be vacated and the old town system should be restored.

After the Revolutionary War the towns settled down to the peaceful development of their resources and opportunities. Matters of local improvements occupy more of the attention of the commercial towns while the rural towns change but little in the range of their activities. The Bay became a busy highway of commerce. The towns along its shores rapidly increased in population and the administration of the more thickly settled towns became somewhat difficult under the old town systems. At Providence there arose in the first quarter of the nineteenth century a strong demand on the part of the merchant class for a more centralized form of local government. The attitude of the town as well as of the colony and in the later days of the State had



uniformly been opposed to centralization, and the opposition of the conservative element at Providence was only a natural reflection of what was the general sentiment.

## CITIES.

In 1825, Providence had a population of about 16,000 inhabitants. It was impossible to gather at a town meeting even the small number of these, probably less than 1,000, who under the system of restricted suffrage were entitled to the franchise. The large number of inhabitants who were not entitled to a vote here, but would not have been denied the ballot in other States, were also restless under the narrow limitations of Rhode Island law. As usual in Rhode Island political changes came slowly. The question of a city government for Providence was agitated and at length, on April 16th, 1828, it was resolved by the town "that it is expedient that the town of Providence be invested with the usual power and authority granted to City Corporations". Committees were appointed draw tentative schemes of city government, to estimate the cost of the change, and to furnish information upon the proposed change. In 1830, the General Assembly granted a charter to the town which should become operative provided three-fifths of the freemen should approve by a ballot signed by the freemen voting. Something over 700 freemen voted. Though a majority favored the new charter the majority did not reach the necessary three-fifths and the charter was not adopted. In the following year the weakness of the existing government was made evident in its endeavor to suppress a riot which arose in the town. It was necessary to call upon the State for assistance to maintain order which it was believed that a well organized city government easily would have secured in its limits.<sup>1</sup> A vote was again taken upon the charter and on November 22, 1831, it was adopted by a majority of 459 to 188. The charter became operative the first Monday in June, 1832. In accordance with an act of the General Assembly the town had been divided into six wards, in each of which elections had been held. Four Common Councilmen were elected from each ward, a Mayor from the properly qualified citizens and six Aldermen were chosen. On the day set for the inauguration of the city government, the Town Council met at the State House to put off the functions with which it had been for so many years invested. The President of the Town Council administered "the oath of office or affirmation prescribed by law" to the Mayor and to the Aldermen-elect and in this act the powers of the Town Council passed from them to the newly inaugurated officers. The Mayor then administered the same agreement to the Councilmen elect. The above officers together form the City Council and in convention elected a city clerk. The record of this first day of the city's existence says, "His Honor the Mayor

<sup>1</sup>Staples, Annals, p. 396.

then addressed the City Council at some length in a most able and eloquent manner, after which the City Council separated and the Mayor and Aldermen retired to the Senate Chamber".<sup>1</sup> The Mayor and Aldermen constituting one board, in a general way, become successors to the powers formerly exercised by the Town Council. The Common Council in theory represent the citizens and to them are referred such matters as formerly required the approval of the town. The two boards in convention "is theoretically an assembly of the inhabitants of the town and performs such duties and exercises such powers as formerly belonged to the freemen in town meeting assembled. Modifications in the form of government have indeed taken place, but they have usually been made with extreme reluctance and not until the necessity of the time demanded change and have not been for the purpose of testing new theories of municipal administration".<sup>2</sup>

Town meetings are still held in Providence for the single purpose of transacting affairs in connection with the bequest of Ebenezer Knight Dexter, who left a greater part of his estate to the town in 1824, with a restriction requiring a meeting of not less than forty freemen to vote upon its administration. This meeting is regularly held on the third Saturday in December, is regularly warned and the time is announced by four church bells. During the interim between town meetings the Mayor and Aldermen as successors of the old Town Council have the donation in charge. One of the Aldermen visits the Dexter Asylum for the Poor weekly and on "quarter days" the Mayor and Aldermen meet at the Asylum and according to the records "The Mayor and Aldermen accompanied by the officials present make a minute and particular examination of the Asylum and inquire into the condition of the several inmates."

Other towns within the State later obtained charters of incorporation as cities. The Mayor, Aldermen and Common Council constituted the usual division of authority, the City Council being the convention of the preceding. In some of the cities special officers of the old town system have been retained for special functions and some are retained whose functions have now almost if not wholly disappeared. Newport for a second time became a city in 1853, and has the usual governing boards. Pawtucket was incorporated in 1885. Woonsocket obtained a charter in 1888. Central Falls was incorporated in 1895. In general the powers of the old town councils passed as in Providence and gradually new functions were assumed by the city which required new officers and new methods. In Rhode Island as in other parts of the United States there was a tendency during the latter part of the nineteenth century to impose the authority of the local state upon the chartered municipalities and to limit the application of the principle

<sup>1</sup> City Council Rec., June 4, 1832.

<sup>2</sup>Wilson, Town and City Government in Providence, p. 75.

of "home rule for local subdivisions". The success of some of these attempts has in some respects modified the old town independence which was so strong an element in the early life of Rhode Island.

#### THE INFLUENCE OF RHODE ISLAND TOWNS.

As has been said, the counties in Rhode Island have been little more than divisions for convenience of judicial administration. The towns, however, have from the first given character to the development of the political life of the colony and State. The early towns have been subdivided and in some instances the parts set off have been again united to the original political unity. The method of apportioning representation among the towns has brought about a system of State representation which naturally gives rise to friction between the urban and rural sections of the State. The independence of the early towns made them jealous of any centralization of authority and often it was danger and pressure from without that held them together rather than any internal cohesion. The central government was therefore given only so much authority as was essential to the performance of strictly necessary functions. The towns have even taken from the central government powers which they granted to it and proceeded to exercise these powers again themselves. "The original towns, Providence, founded in 1636, Portsmouth in 1638 and Newport in 1639, were really separate colonies, self-instituted municipal corporations, that existed before there was any Rhode Island, and that made that colony when they united under the first charter in 1647, the fourth town, Warwick, being then admitted. This has been so held in August, 1900, by the Supreme Court of Rhode Island in the case of the City of Newport v. Horton".<sup>1</sup> During the early days of the United States the Constitution was bitterly opposed in Rhode Island and for a time after it went into operation Rhode Island stood alone, an independent State, contending for the principles for which the towns in their whole period of existence had stood, the security of religious liberty. As ever reluctant to change, the Federal Constitution was only adopted by a majority of two on May 29, 1790. "By making herself an alarming example of what the unbridled rule of the multitude may come to, Rhode Island did much to bring the other States to adopt that Federal Constitution which she was herself the last to accept".<sup>2</sup> The towns were even then not willing to act in any considerable degree of harmony. The "Dorr War" of 1842 showed how firmly the early town system of attaching the franchise to the landholder had become rooted in the State. The People's Constitution of the preceding year had received a vote of 4,960 freemen and of 8,984 non-freemen. Of the free white adults at

<sup>1</sup>Eaton, Origin of Municipal Incorporations, Worcester Magazine, Jan., 1901, p. 56.

<sup>2</sup>Bryce, American Commonwealth, vol. i, p. 18.



this time not one in ten had the voting privilege owing to the \$134 freehold requirement. The result of this "War" was a great liberalizing of the franchise with the introduction of property and registry voters into the towns, though the property qualification of earlier times is still required for those voting for certain officers.

The towns brought the colony into being, they determined the action of the State in the Revolutionary days, the name of the State of Rhode Island and Providence Plantations emphasized the individuality of the divisions and the existence of two capitals till the end of the nineteenth century gave a unique distinction to the local elements of the state life, which is also evident in the statute requiring that the electoral vote shall be cast in a third town, "at Bristol, in the county of Bristol."

In the beginning, the settlements had been compelled to fashion for themselves such government as the consent of the inhabitants would allow. After the grant of the charter of 1643-1644, "their hopeful Beginnings" were "approved and confirmed". By the union of the towns in 1647 the element of colonial authority was introduced. Under the authority of the town, crown and colony the inhabitants lived till the separation from England in 1776 removed them from the authority of the crown and left only the authority of the town and colony. With the union under the Articles of Confederation a new authority, weak though it was, was introduced. When the Articles ceased to bind the State there followed a short period of allegiance to the authority of the State government and the town government only. With the adoption of the Constitution a third authority was again introduced, and in Providence in an exceptional way through the survival of the old town government after the adoption of the city charter, in their respective spheres there exists to-day the authority of the town, city, state and national governments.

The attempts to do what the Simple Cobbler of Aggawam had confessed to be beyond the "Artique" of his comprehension to show how "all Religions should enjoy their liberty, Justice its due regularity, Civil cohabitation, moral honesty, in one and the same Jurisdiction", had brought into existence institutions founded on principles which have in the words of Gervinus "not only maintained themselves here, but have spread over the whole union. They have superseded the aristocratic commencements of Carolina and of New York, the high-church party in Virginia, the theocracy in Massachusetts, and the monarchy throughout America."

George Grafton Wilson



The Struggle  
for Judicial  
Supremacy.





## CHAPTER II.

### THE STRUGGLE FOR JUDICIAL SUPREMACY.

In the Colony of Rhode Island, among all the English speaking settlements, the judicial power gave the earliest and best promise of development. The code of 1647 was, and is, unique in the early organic law of America. And yet in Rhode Island the development of the judiciary has been of the slowest. To study it is to follow it from its source in the simple compact of the people, where no differentiation can be discerned between the legislative and judicial powers; to see it gradually taking shape and form under the charters; to observe its union with and subordination to the legislative department, and to watch the struggle in which, under the constitution, but still within comparatively recent years, it contended for its constitutional prerogatives, until that day when Chief Justice Ames forever settled its position as a co-ordinate branch of the government under our political system.

To one accustomed to the acknowledged position of the judiciary it seems scarcely credible that for some years after 1856 this power could be questioned. The union of the judicial with the legislative power in Rhode Island; the existence of a department that could make, interpret and enforce its own acts, had for so long been a recognized fact in this State that it was difficult for the people to realize, even sixty years after the adoption of the federal constitution, that the judiciary—so long the creature of the legislature—was in many ways its master; to understand that there had arisen a power which could say, “within these fixed lines you may move and no farther”. Such a power was not only misunderstood by the many, but was feared as well, as a departure from the conservative and almost primitive political system under which the State had existed for two hundred years.

The first recorded agreement for a civil government entered into by the settlers of Providence, some time between 1636 and 1638, was as follows: “We whose names are hereunder, desirous to inhabit in the towne of Providence, do promise to subject ourselves, in active and passive obedience, to all such orders or agreements as shall be made for public good of the body, in an orderly way by the major

consent of the present inhabitants, masters of families, incorporated together in a towne fellowship, and others whom they shall admit unto them, only in civil things”.

This clearly refers to a pre-existing agreement between the original comers which has not been preserved, if in fact it were more than verbal.

The settlement of Providence was quickly followed by gatherings at Portsmouth, Newport and Warwick. Providence, Portsmouth and Newport, the two latter towns soon uniting, had each a form of voluntary self-constituted government. The settlements were merely voluntary associations of individuals. Williams, speaking of this period, said, “We had no *authority* for civil government”. In the cabin of the Mayflower, in the harbor of Provincetown, sixteen years before, a small body of men had declared that “we do covenant and combine ourselves together into a civil body politick *and by virtue hereof* to enact, constitute and frame such just and equal laws”, etc. Their patent had failed them for lack of jurisdiction over the territory, but they were sufficient unto themselves, and set their hands to what has been declared to be an example of the original civil compact of which philosophers have dreamed. The compact entered into by the first comers of Providence is apparently an agreement to be governed by the will of the majority, but, as stated by Williams, they admitted that it was a government without authority. However this may be, this general meeting of the inhabitants, unrestrained by any constitution, was the source of all law and exercised all the functions of government.

As a town meeting it enacted the laws; as a town meeting it adjudicated upon the breaches of these laws.

The early years of the settlements were years of dissension and division. They recognized no superior power or central government, and even on one occasion appealed to the hostile government of Massachusetts.

So far as appears, the first attempt at a judicial determination of controversies among the inhabitants of Providence was by arbitrators. A committee appointed by the town framed a quite elaborate body of rules, applying the system of arbitration to the disputed matters arising among the citizens in the body politic. Five Disposers were appointed who had general charge of the appointment of arbitrators and a general supervision of the proceedings. The rules, however, provided for an appeal in certain cases from the decision of the Disposers to the “generall towne meeting”, where the aggrieved party “may have a tryall”. At this period, as we might expect, the supreme legislative, executive and judicial functions were embraced within the powers of the general town meeting. The people ordained, judged and executed.



In 1638 the inhabitants of Portsmouth incorporated themselves "into a bodie politick", to be guided and judged by the laws of Christ given in His holy word, and the same day elected William Coddington a judge. It is probable that this office was more executive than judicial, although combining judicial functions.

At a general town meeting of Portsmouth held in 1638 certain persons summoned before the meeting for "a riott of drunkennesse" were variously fined and punished. Later in the same year the general meeting appointed some of their number to seize upon the property of an insolvent and "satisfie" themselves and others of his creditors.

At this date no advance beyond the meeting of the freemen had been made, but later in the year Elders were chosen to assist the judge in the execution of justice and judgment, for the regulating and ordering of all offenses and offenders. To them was committed by the body the whole care of its affairs. This is the first instance of delegated power, a representative body chosen for the administration of justice. It is a rudimentary judiciary, taking shape and separating from the general body of the freemen. A provision that the judge and elders shall be accountable once every quarter unto the body, shows plainly, however, that the general meeting had no intention of releasing any of its power as a supreme court of appeal. This unique feature of the exercise of judicial authority by the Legislature of this State, as the representatives of the people, had its origin here in the formation of the scattered bodies of the first comers into the early towns. From that time throughout the entire history of the Colony and State the authority was strenuously contended for.

The meeting provided by order, "that if by the body the Lord shall be pleased to dispense light to the contrary of what by the judge and elders hath been determined formerly, that then and there it shall be repealed as the act of the body". No clearer claim to revise the judgments of its courts could be made than this early act of the general meeting of the town of Portsmouth.

After the separation of Portsmouth and Newport, in 1639, the government of the former was continued under a judge, with assistants chosen for him; and now for the first time appears the mention of a jury. This was composed of the regulation twelve men, and sat in connection with a system of courts established at the same time; but the records are so mutilated that it is difficult to tell exactly what was intended. Probably it was a system of monthly, quarterly and yearly courts, the former held by the judge and assistants, the quarter courts held with a jury, having jurisdiction in matters of superior moment, with an appeal to the yearly court, the latter very likely the annual assembly of the freemen, as was the custom in the neighboring Colony



HON. SAMUEL AMES.

CHIEF JUSTICE OF THE SUPREME COURT OF RHODE ISLAND 1856-1862.  
FROM A PORTRAIT BY BRUHL IN THE PROVIDENCE COUNTY COURT HOUSE.

of Massachusetts. Whatever it was, it marks another slight advance in the judicial system of the future State.

That the system of trial by jury soon became well established is apparent from a record in the year 1642, when it is recorded that both grand and petit jurymen were chosen.

The agreement entered into by the separating members who settled Newport provided for a determination by major voice of judge and elders, the judge to have a double voice. One of the first ordinances of the town provided for a monthly meeting of the judge and elders, to hear and determine all causes presented to them. Provision was also made for the method of voting in the quarter courts, thus confirming what we have before suggested as to the early system of courts then inaugurated. November 25, 1639, it was ordered by the body politic of Newport that "all matters that concern the peace shall be by those that are officers of the peace, transacted, and all actions of the case, or debt, shall be in such courts as by order are here appointed and by such judges as are deputed, heard and legally determined". January 29, 1639, it was ordered that once each year the judge and elders and all other officers should be in the general court, to be held for the year ensuing, by the greater part of the body of freemen, then and there present, and such as should be necessarily detained to send in their votes. Great as the advance had been in some ways from the primitive methods of a few years before, the general assembly of the freemen was still the court of last resort to which any inhabitant had the right to appeal. No change had been made in this respect.

During the year 1640, under the union of the towns of Portsmouth and Newport, particular courts, consisting of magistrates and jurors, were constituted, to be holden monthly with full power to judge and determine all such cases and actions as should be presented before them. That these were courts of limited jurisdiction is evident from an order entered the same year, providing that in the magistrates' courts actions might be entered and juries empaneled and causes tried, excepting cases of life and limb, and affording an appeal to the quarter sessions to be holden upon the four quarter days of the year. Two parliamentary or general courts were also constituted. This was a slight elaboration of the judicial system established in 1639, and is the foundation of the present arrangement of the judicial system of the State. In this early settlement of the court may be traced many of the salient features of to-day. In 1643 a charter was granted to the inhabitants of the towns of Providence, Portsmouth and Newport, conferring the power "to make and ordain such civil laws and to inflict such punishments and to place and displace officers of justice" as should be agreed to by the consent of the majority, provided that the laws and punishments were conformable to the laws of England, so far as the nature of the place admitted. As has been pointed out,



there were marked differences between this charter and the patents and charters previously granted to other colonies. This was the charter of a colony, conferring absolute authority within its bounds. Under this charter and that of 1663, which was practically an amplification of the rights conferred in the earlier, the courts of Rhode Island were established and exercised their prerogatives for two centuries.

One of the first acts passed by the General Court of Election, held under the charter, was to maintain in force the laws and administration of justice then in force, until the next court, when the towns were to suggest such necessary changes as the exigencies of the time and place demanded.

At the next General Assembly of the people the code of 1647 was enacted. This body of laws merits more than passing attention. It is in many ways remarkable, but taken in connection with the attendant circumstances of its enactment, the place, the time and the people for whom it was intended, it is unique in the history of the colonies, not of that time alone, but of all time. In the neighboring Colony of Plymouth, after sixteen years from its settlement, the records exhibited but forty laws, most of them passed to meet special wants; there were no criminal laws, the magistrates exercising their discretion in such matters, while in the majority of cases coming before their courts the custom or usage of England in similar cases was followed as closely as was possible. But in this Colony, the representatives of four scattered communities, "settled in a wilderness among barbarians", met and enacted a code of laws that is to-day the basis of the statute and constitutional law of the State. The authority conferred upon the Assembly by the charter was broad; they were limited in but one respect, "so as such laws be not contrary and repugnant unto but as near as may be agreeable to the laws of this our realm of England, considering the nature and constitution of the place and people there".

The common law of the American colonies has generally been defined to be the common law of England modified and restricted so as to conform to its new environment, together with the English statutes in force prior to the emigration. That this was so in Rhode Island appears clearly from the code, which adopts the common as a part of the laws of the Colony, and which refers repeatedly to the various English statutes by which such law was modified or amplified. In the digest of 1719 the entire body of English statutes was adopted as laws of the Colony, although after 1744 only a portion of these statutes were in force.

Bearing these facts in mind, the code of 1647 not only appears as the embodiment of the common and statute law of England, but as containing a most elaborate digest of the new and local statute law of the Colony.

But the feature which illuminates the whole and makes this code adopted by these settlers on the borders of a new world, who had left their fields, their half-thatched homes, and stopped for a time the clearing of the wilderness to trust themselves to the perils of a journey of thirty miles upon the bay in their frail transports, in order to frame the jurisprudence of the State—what makes it forever immortal in the constitutional history of this nation, is its Bill of Rights, breathing the spirit of, but far more advanced and liberal than, the Magna Charta of England.

In the first clause the spirit of the whole code is spoken. No person in the Colony—and it is to be noted that the benefit is not confined to its citizens as, from the history of the neighboring Colonies, we might expect—no person in the Colony shall be taken, imprisoned or molested but by the lawful judgment of his peers, *or by some known law and according to the letter of it.* The limits of this work will not permit a further examination of this declaration of the rights of the people, but, if one cares to examine it, look into the constitution of to-day and it is there. The code contained an elaborate definition of the felonies known to the common law, with penalties for their violation. It also furnished remedies for torts and trespasses to persons and property; enacted a statute of frauds; provided for the transfer of real estate and for the recording of evidences of title; established laws to regulate the relation of master and servant; regulated the probating of wills and the administration of the estates of decedents with an amount of detail to which the law of to-day can add but little. For the administration of justice in the Colony, a General Court of Trials was established, to be held twice yearly, having jurisdiction over such crimes as might hazard life, limb, disfranchisement or banishment and such trespasses, debts and differences as should be adjudged too weighty for a more private determining; also over matters between town and town or between parties in two towns more remote; in short, over all matters of great importance to the Colony. The president and assistants of the Colony were appointed general conservators of the peace throughout the Colony, which office is still by statute appurtenant to that of justice of the Supreme Court.

They also composed the General Court of Trials. Town courts, it is to be inferred, had the jurisdiction heretofore exercised in matters of minor importance among their citizens. The General Court was declared to be a court of assize or gaol delivery, as well as a court of common pleas, thus conferring upon it the jurisdiction exercised by the courts of King's Bench and of Common Pleas in England. Later, in 1651, all suits and prosecutions except for some crimes of the highest grade were required to be first brought or prosecuted in the town courts. Not the least remarkable feature of the code is the chapter relating to the civil procedure. Provision is made for two attorneys

belonging to the court in each town, to be at the service of litigants "solemnly engaged not to use any manner of deceit to beguile eyther court or partie".

With the enactment of this body of laws we are introduced to the beginning of an organized judicial body in the Colony, a body somewhat set apart from the legislative and the executive, but still forming a part of the former and as ever subject to it.

The organization under the charter of 1643 has been frequently referred to as rather a federation of towns than the organization of the colony which was contemplated by the charter. It is true that the powers of the government were, to but a very slight degree in many ways, consolidated, but it is also true and a noteworthy fact as well, that a centralized judiciary was established and that in this body, subject of course to the review of the Assembly at all times, we see the first instance of a delegated control over themselves and their property surrendered by the towns. In fact, weak as it was for so many years, the judicial department was the first that can be really called a federal department of the State.

By the charter granted by the Assembly in 1649 to the town of Providence, it was empowered "to make and ordain such civil orders—to inflict such punishments—and for execution thereof and of the common statute laws of the Colony agreed unto and the penalties and so many of them as are not annexed already unto the Colony court of Trials—so to place and displace officers of justice as they shall agree unto", reserving to the Assembly power to dispose the general government of the plantation.

The proceedings of the immediate Assemblies following the organization under the charter were largely taken up with acts regulating practice and procedure. It is notable that these men, busy with the struggle for existence under the difficulties attending this early settlement, could find the time or the inclination to settle fine points regulating judgments by default, attachments, the taking of testimony by magistrates, writs of "supercedious", and many other of the details of civil procedure. And yet the reports of these early sessions of the Assembly are full of just such acts. It had been ordered in 1648 that six men of each town should be chosen in whom the General Court should continue. This was a marked advance in representative government, but so far as the power of the courts was concerned, denotes no change. The power hitherto exercised by the people as a body in general assembly was now vested in their commissioners or committee, as they are variously called.

We shall see how this power of control over the courts continued and to what it led. In 1650 an act regulating divorce was passed, the act providing that divorce was not to be granted "for any other case but that of adulterie". But it appears that this strictness was not



long maintained, for, in 1655, after providing for the granting of divorces by town magistrates, it is further enacted that the benefit of the act should extend to "all other cases of separation or divorce betwixt man and wife"; and about this time permission was given Mr. John Coggeshall, who had separated from his wife by the mutual consent of both parties, to contract a new marriage.

In 1656 a premium was placed by the Assembly upon unanimity in the decisions of the courts by the passage of a law that "if any magistrate on ye bench dissent from ye rest of ye magistrates, in any cause, then any such dissenting magistrate may enter his protest, payinge eighteen pence to ye recorder for entering it". Remembering the relative value of money at that time, the effect probably was to make a harmonious and unanimous court. As a careful examination of the Reports of this State will disclose a remarkable freedom from dissenting opinions, it may be that the cause can be sought in this far off act of 1656.

At the session of the Assembly in 1657 provision was made for the satisfaction of an execution that remained unserved for want of estate of the judgment debtor, while in another instance the issuing of judgment after a *nil dicit* was regulated. These cases are cited merely to illustrate the supervisory power exercised over the courts by the Assembly. In 1658 a fine passed upon a prisoner by the General Court of Trials was remitted, and immediately thereafter another prisoner awaiting trial in the same court was ordered to stand acquitted.

By the charter of 1663 the Colony was given authority to appoint, order and direct, erect and settle such places and courts of jurisdiction for the hearing and determining of all actions, causes, matters and things happening within the Colony which should be in dispute, and also to distinguish and set forth the several names and titles, duties, powers and limits of each court, office and officer, superior and inferior. In accordance therewith the Assembly ordered, in 1664, that two General Courts of Trial be held yearly, appointing the governor, or deputy governor, and at least six of the assistants to hold such courts, and making provision for the holding of Special Courts upon urgent occasion in Newport for seamen and merchants.

Two annual Courts of Trial were also established "upon the mayne" at Providence and Warwick for the trial of any action under ten pounds in value, the courts not to sit without at least three assistants, with power conferred upon any one of the assistants to grant an appeal upon any substantial matter or error in the proceedings.

In 1664 a Local Court was established for Block Island, consisting of three able and discreet men, with jurisdiction of all causes not exceeding the value of forty shillings, with an appeal to the General Court of Trials of the Colony. Where the value was above forty

shillings, any one of the Selectmen was authorized to grant a writ for attaching the person or property of the debtor or *tort feasor*, in criminal matters, two Selectmen being required, bond or security being furnished for the appearance of the defendant at the General Court of Trials. In this can be seen the prototype of the jurisdiction of the Inferior or District Courts of the present day, whose jurisdiction is limited, but authority being conferred upon them to apprehend and bind over in criminal cases to the Court of Superior Jurisdiction.

The absence of appreciation of the relative positions of the legislative and judicial branches of the government is well illustrated in a matter that came before the Assembly of 1666. One Harris had recovered a "verdict of jury and judgment" against one Horrod, and execution had been issued but had not been served. The matter finally came before the Governor and Assistants, and they, with a sense of the proprieties of the case, determined that "it was beyond the power of their own authority to say ought in the matter as to judge farther therein, seeing it had already passed in a court of records", and then they proceeded to declare, "as now the matter is circumstantiated it must or can be no other power in this colony can determine pro or con as to the advice about serving the execution but a law making assembly". The Assembly thereupon took up and decided the case.

In 1667 appears the first instance of the Assembly granting a divorce *a mesa et thoro*, "a kind of necessity for the present" appearing "to permit their own act so far as it relates to their living apart".

In 1678 the Assembly, on a petition concerning an action that had been twice tried before the General Court of Trials, placed upon record the declaration, "that this Assembly conceive that it doth not properly belong to them or anywise within their recognizance to judge or reverse any sentence or judgment passed by the General Court of Trials, according to law, except capital or criminal cases or mulct or fines". How long and to what extent the Assembly adhered to this position will appear.

In the session of 1679 it appears that an action of "unjust molestation" had been brought and, after a jury trial, verdict had been returned for the plaintiff. The court evidently had some doubt as to the nature or character of the action, and suspending judgment, referred the matter to the Assembly. That body, after considering the case, decided that they "saw cause to return the matter to the wisdom and consideration of the General Court of Trials, together with our opinions, which are, that all cases of that nature are not actionable and suppose judgment in this present case ought to be barred forever". This illustration is calculated to bring forth the relative positions of the two bodies in their true light at that time. For a court, after the trial of an action, to refer it to the Assembly for determination as to the existence of any cause of action, is amusing.

In 1680 appeals from the judgment of the General Court of Trials were regulated, the appellant being required to file his appeal within ten days subsequent to the judgment and paying costs.

Hitherto, judging from an act reciting the proceedings in a case tried in 1679, either party to an action had been entitled to have such action reheard by a jury after judgment against him, the aggrieved party in the second action having his appeal to the Assembly. The purpose of the above act evidently was to cut off this second jury trial. How dear this right to a second trial was to the citizens of this State will be disclosed in the subsequent development of their jurisprudence.

The following case is an apt illustration of the practically equitable jurisdiction exercised by the Assembly at this time. An action of debt had resulted in a verdict for the plaintiff. On a second trial claimed by the defendant, the jury found for the latter. The plaintiff then appealed to the Assembly. This body, after hearing the evidence anew, found that neither party had performed their covenants in all respects, and directed that the defendant should pay a certain sum to the plaintiff, on account of his breaches of the covenants, and further ordered the plaintiff to allow the defendant the balance of the account and "the barrill of beife" which the defendant, according to the letter of the covenants, should have paid, as satisfaction of the breaches on the part of the plaintiff.

In 1703 it was enacted that no attorney should be admitted to plead in any of the courts, unless first sworn not to plead for favor nor affection of any person, but to the merits of the case, according to the law. It is apparent from this statute that the art of the advocate in winning verdicts had already begun to be a factor in this primitive community. At the same session two inferior Courts of Common Pleas were established, to be holden on the mainland, at Providence and Warwick respectively in one year, and at Kingstown and Westerly the following year, and in this order thereafter. Two similar courts were also appointed for the county of Rhode Island, which included the island of Rhode Island with the rest of the islands within the Colony.

A good portion of the session of October, 1704, was occupied with the consideration of appeals from the General Court of Trials. In some cases the judgments were sustained; in others compromises were entered into. It had before this time become a regular practice of the Assembly to devote a part of the session to the hearing of these appeals.

In 1705 representation was made to the Assembly that it would be a great benefit to have a Court of Chancery erected in the Colony, but the Assembly, having considered the rules and methods for the procedure in such a court, and regarding them as of great weight and



concernment and requiring mature consideration for their orderly settling, enacted that the General Assembly, at all times convened in general assembly, should be a Court of Chancery, as it had formerly been, until such time as a more proper Court of Chancery might be erected. What the Colony could require of a court of chancery that this body, superior to all laws of procedure and making and interpreting their own acts did not furnish, it is hard to conceive. It is to be inferred from the language paraphrased above, that the Assembly conceived from an examination of the rules and constitution of the High Court of Chancery of England, to which they had evidently referred, that the natural equity which they administered was more consonant with their own abilities and the needs of the Colony.

An amusing instance occurs in the report of the session of 1706. One Thomas Whipple, a man of "but mean estate", had been assessed in damages by a jury and had failed to enter his appeal in time, and therefore appealed for relief to the Assembly, which determined solemnly that "while it is very requisite that reviews upon actions should be entered within the time as the law requires, yet as matters may be circumstanced we conceive it cannot be prejudicial nor any impediment unto the said law to grant a person a review of his action by a particular and special order from the Assembly. For if a person do review in time, as the law requires, he could but have his trial; and if by a special order he do review it, *it will be no more but a trial, as a trial is but a trial*, whether the review be entered in season or by a special grant, and the law allows either plaintiff or defendant two trials in one case, if he see cause; the which if he be abridged of, he will be deprived of the benefit which the law affords for relief".

At the session of 1708 the Assembly went so far as to practically prejudge a case, by the provision that in an action to be brought by their direction, there should be no non-suit allowed. At this same session, so far as appears, is the first instance of an appeal from the decision of the Assembly. This was a case which had been appealed to the Assembly from the judgment of the Court of Trials, and after the decision of the Assembly "settled as a court of chancery or equity", the appellee appealed to Her Majesty in Council. The proceedings upon this last appeal were disastrous to the authority of the Assembly. In the words of that body, "their proceedings were utterly condemned". After knowledge of the result of the appeal had reached them they placed upon record the following resolution, which, had its spirit been adhered to instead of its letter followed, would have placed the judiciary in their proper position quite a century and a half in advance of the actual result. The resolution was in these words:

"Notwithstanding a former act of this Colony which hath constituted and empowered the Assembly to be a Court of Chancery, we judge that they had no power or authority to make any such law, by

reason we cannot find any precedent that the legislators or parliament of Great Britain, after they had passed an act or law, took upon themselves the executive power or authority or constituting themselves a Court of Chancery or any other court of judicature . . . therefore . . . no appeal from the Court of Trials for the future be granted, allowed or brought before the Assembly of this Colony”.

They also provided for the establishment of a regular Court of Chancery, according to the methods and precedents of England. After enacting the foregoing laws the Assembly immediately provided “that appeals may be by way of petition to this Assembly, and have relief in any matter or thing that may be cognizable before them, or may at any time hereafter when a proper Court of Chancery be stated, have their appeals continued to said court of relief, if they shall think fit to prosecute the same”.

The difference between an appeal and a petition to the Assembly was but slight. The right of appeal, technically so called, was abolished, but under this new form by way of petition the jurisdiction continued, and so far as concerned petitions for new trials and trials, the Assembly continued to exercise such jurisdiction without question, even so far, as will be shown later, as beyond the time of the adoption of the present constitution.

The Court of Chancery referred to above was evidently not established at that time, and it was not until 1741 that a Court of Equity was constituted by the Assembly “to hear and determine all appeals in personal actions from the judgment of the Superior Court”. The preamble to the act recites that “whereas the trial of appeals by the Assembly from judgments given at the Superior Court of Judicature have by long experience been found prejudicial as well to the parties as to the government, by the public business being neglected”, it seemed best to constitute a court consisting of five judges, to be chosen annually, with authority to hear all appeals from judgments of the Superior Court in personal actions and to give a determination on such appeals by affirming, reversing or altering the judgments agreeably to law and equity in as full and extensive manner as the Assembly had been accustomed to do. This court, it is clear, was rather a court of appeals in matters of law than a court of equity proper. It shows, however, an appreciation of the true position that the Legislature should occupy in the body politic. For the last fifty years evidences that some at least of the statesmen of the time understood the anomalous position which the Assembly occupied had not been wanting.

From time to time indications of a stricter adherence to their legislative functions had been apparent in the proceedings of the Assembly, but they were but spasmodic and without any foundation in a true appreciation of their relative positions. The Assembly had too long been a final court of appeal to relinquish this power, and despite the

indications referred to, the prerogatives of a court continued to be exercised for years to come.

The court, however, was of but short duration. At the session of 1743-4 it was abolished for the reason "that it was found by experience that the trial of cases by the Court of Equity was inconvenient and a great grievance to the inhabitants of the Colony". In a subsequent portion of this history we shall discuss the growth of the chancery powers of the courts, as distinctive from the exercise of such powers by the Assembly.

In the discussion of the foregoing subjects a departure has been made from a strict historical review of the early courts and their jurisdiction. It will be recalled that under the first charter the General Court of Trials was held by the president and assistants twice annually for the whole Colony. This court, with the Quarter Sessions and Town Courts, composed the judiciary of that period.

When first created the former court had jurisdiction of the higher class of crimes and in general of all important matters, and at least after 1650 exercised an appellate or revisory jurisdiction over the inferior courts; but in 1651 it was enacted that all causes except prosecutions for certain crimes of the highest magnitude should be first tried in the Town Courts, thus converting the General Court into a court of appeal.

Under the charter of 1663 the governor and assistants exercised the powers generally of the former officials under the first charter, but the General Court as then constituted had more original jurisdiction.

The General Court, when full, consisted of eleven magistrates, and as first established, seven were necessary for a quorum. The records show, however, that the court was very seldom full and very frequently found a quorum wanting. As early as 1664 an act was passed that when no quorum appeared those absent should be fined five pounds. This failed to correct the matter, and in 1665 the Assembly declared the evil so great "as to hazard the loss of the charter". The Assembly, suspecting that the absence might be caused by a fact which is potent even to-day in bringing out a large attendance at meetings of various bodies, allowed the judges each three shillings a day for attendance with a fine of double that amount for absence. It reduced the number necessary for a quorum to the governor or deputy and four assistants, retaining the fine of five pounds for all absentees when a quorum was not present. Later still a quorum was made to consist of the governor or deputy and three assistants, or any five assistants.

In 1690 the local or Town Courts, held by the assistants, justices of the peace or wardens of the respective towns, were given jurisdiction in civil actions, where the value of the property in dispute or damages claimed did not exceed forty shillings. An appeal was allowed from their judgments to the General Court.



In 1729 a large advance in the systemization of the courts was made. This establishment of courts then instituted marks really the second in the ordering of the judiciary of the State and is the basis of the present arrangement of the courts. A Court of General Sessions of the Peace was established in each county, to be held by the local justices of the peace or any five of them, empowered to hear all things relating to the conservation of the peace and all pleas of the crown, capital crimes excepted. This was of course a criminal jurisdiction. They held sessions semi-annually, and an appeal lay from them to the higher court. They also had appellate jurisdiction of all petty offenses triable by a justice of the peace. This latter court of the justice of the peace, always in session, was the unit around which the rest of the judicial fabric was reared; aside from their original jurisdiction in minor matters, they bound over other offenders to the respective courts having jurisdiction of the offenses.

The civil courts of this degree corresponding to the General Sessions were called Courts of Common Pleas. They were each held by four judicious and skillful persons chosen by the Assembly from their respective counties. Their jurisdiction extended to the trial of all civil actions arising in the county, triable at the common law, provided the amount in controversy exceeded forty shillings, excepting cases where the freehold was concerned. They also had jurisdiction by appeal from justices of the peace.

The Courts of General Sessions of the Peace and the Courts of Common Pleas, while nominally distinct, were in reality held by the same persons. This is manifest when we recall that the former courts were held by justices of the peace, five of them constituting a quorum, and that the Courts of Common Pleas consisted of five judges who were made by statute justices of the peace of their respective counties in criminal cases. The Courts of General Sessions continued to exist as separate courts until 1838, when they were abolished and their powers conferred upon the Courts of Common Pleas, which from this time exercised both civil and criminal jurisdiction.

While formerly appeals in criminal matters from justice courts had been taken to the Court of General Sessions and in civil matters to the Common Pleas, from henceforth in both cases the appeals were to the Common Pleas.

At Newport a court was established known as the Superior Court of Judicature, Court of Assize and General Gaol Delivery. It consisted of the governor, deputy governor and assistants, and had the original jurisdiction of Courts of Common Pleas, King's Bench or Exchequer of England, as well as appellate jurisdiction from the Courts of General Sessions and Common Pleas. From the jurisdiction already conferred upon the lower courts, it will be seen that the jurisdiction of the Superior Court in civil and mainly in criminal

matters became purely appellate, but under this appellation it was broad and ample. It continued during its existence as such to be held exclusively at Newport. This existence lasted for nearly a century. It should be especially noted that the judges of this Superior Court of the Colony were as well the political officials of the Colony.

May not one, if not the chief, reason and cause for the long continued exercise of judicial functions by the Assembly be sought for and found here? The governor and assistants under the charter of 1663 were a part of the Assembly, and during the first few years at least under this charter they sat with the delegates as one body in the Assembly. Hence in deciding questions which came before the Assem-



OLD STATE HOUSE AND COURT HOUSE, NEWPORT.

bly on appeal they might reasonably feel that, constituting as they did the Superior Court of the Colony, they were really exercising their judicial powers although for the time under the cloak of a legislative body. It would seem that this suggestion is founded as much upon fact as upon speculation.

In 1767 the Common Pleas Courts were ordered to consist of one chief justice and four other justices in each county, and it was provided that upon an appeal from them to the Superior Court, new evidence might be received by the latter.

At the same time a marked change was made in the constitution of the Superior Court. Although still known by its former name, it from this period ceased to be held by the political officers of the

Colony. One chief justice and four associate justices were to be annually appointed for it by the Assembly, and its jurisdiction was extended to the trying of all pleas, real, personal and mixed, and all pleas of the crown, thus including civil as well as criminal jurisdiction, as well as jurisdiction by way of appeal, writ of review, writ of error, certiorari and other extraordinary powers.

No important change was made in the jurisdiction or constitution of the courts, except in slight changes from time to time in jurisdictional amounts, until after the adoption of the present constitution. In 1798 the cumbrous name under which the highest court of the State had existed for so many years was changed to that of the Supreme Judicial Court, which title in turn was changed under the constitution to that of the Supreme Court, which it has ever since retained.

In the words of the constitution of 1843, the "judicial power of this State shall be vested in one supreme court and in such inferior courts as the General Assembly may from time to time ordain and establish".

The Supreme Court established under this clause was given cognizance of all actions of a civil nature; whether at law or equity; together with jurisdiction of all crimes and offenses legally brought before it; jurisdiction in divorce and insolvency, with power to issue all extraordinary writs and process. The court consisted of one chief and three associate justices.

Courts of Common Pleas were established in each county, having jurisdiction in all civil actions commenced by attachment of real estate or where the value was over twenty dollars, arising within the county, and of all crimes where the punishment was not capital or of seven years or upwards. These courts were to be held by two justices elected by the Assembly for each county, together with a justice of the Supreme Court, who acted as chief justice. The chief justice was directed to instruct the jury in the law and permission was given him to sum up the evidence whenever it should be deemed advisable.

The jurisdiction of justices of the peace was practically what it had formerly been. The civil law jurisdiction of the Supreme Court under this new arrangement of the courts continued to be mostly appellate, as formerly it had been, until 1847, when it received original jurisdiction concurrent with the Court of Common Pleas of all civil suits for one hundred dollars and upwards.

In 1857 the jurisdiction of the justices of the peace had been increased to amounts of \$50 and under, while the jurisdiction of the Courts of Common Pleas had been correspondingly limited. To the latter court original jurisdiction concurrent with the Supreme Court and without appeal was conferred over all crimes except where the punishment was imprisonment for life. A further important pro-



vision was made allowing Courts of Common Pleas to be holden at the same time in different places in the same or different counties. It is to be noted that now the Courts of Common Pleas were holden by judges of the Supreme Court, designated by such justices, to sit as common pleas judges, and justices of that court as distinct from the Supreme Court were no longer chosen. The appellate jurisdiction of the various courts under these various revisions of the laws had suffered little change. Appeals were allowed as before from the courts of justices of the peace to the Courts of Common Pleas. From the latter court, when title to real estate was in dispute or the damages recovered amounted to one hundred dollars an appeal would lie to the Supreme Court. About this time Courts of Magistrates were constituted for Providence, Newport and Woonsocket, which are the direct predecessors of the subsequent justice and the present district courts, covering the State.

In the year 1872 the jurisdiction of the Supreme Court in civil matters had been extended so that it covered concurrently with the Courts of Common Pleas, all civil actions in which the debt amounted to one hundred dollars and upwards, except in the county of Providence, where the amount involved must have been of the value of at least three hundred dollars. As to criminal matters, except in the county of Providence, the Supreme Court had original jurisdiction, concurrent with Courts of Common Pleas, over all crimes, and exclusive jurisdiction over crimes punishable by imprisonment for life. At this period the system of courts held by a trial justice in each town was well established. These courts were given civil jurisdiction where the amount involved did not exceed one hundred dollars except in matters involving title to land. In criminal matters they had jurisdiction over crimes punishable by a fine not exceeding twenty dollars or imprisonment not exceeding three months. Appeals could be taken from their judgments to the Common Pleas division.

The Superior Court was from the beginning invested with full common law jurisdiction. Its principal business was, however, in earlier times the trial of jury cases. Occasionally it may have had a question of law to decide upon demurrer or motion in arrest of judgment, and may have occasionally issued one of the extraordinary writs to a lower tribunal, but since an appeal was allowed in all cases not commenced in a justice court to the highest court of the State, and since the Assembly acted as a supreme court of review in all cases where a new trial was sought on the ground of accident or misfortune, the Superior Court had little business other than the trial of jury cases. It was not until 1798 that any statute was passed regulating the procedure in petitions for new trial, and not until 1822 that the Superior Court was authorized to grant new trials in other courts.

To-day petitions for new trials form the bulk of the business brought before the Appellate Division of the Supreme Court.

In 1893 an act called the Judiciary Act was passed. The Court of Common Pleas was abolished as such and its jurisdiction conferred upon the Supreme Court. This was merely a change in form, as the former courts had been held since 1848 by justices of the Supreme Court. Under this act the court is divided into two divisions, called respectively the Common Pleas Division and the Appellate Division. All jury cases must be brought either in the Common Pleas Division or, if brought in a District Court, taken there on claim for jury trial. The Common Pleas Division, it will be seen, sit only at *nisi prius* for the trial of jury cases. The Appellate Division exercises the old powers of the Supreme Court with some additions. It has jurisdiction in all questions of law brought before it, either on petitions for new trial or raised in the course of the pleadings in the Common Pleas Division, either by demurrer or otherwise. Furthermore, it has exclusive chancery jurisdiction; jurisdiction to issue the extraordinary writs, and generally the old jurisdiction of the Superior and Supreme Courts.

As at present constituted the Supreme Court of the State consists of a chief and six associate justices. Under the constitution a justice of the Supreme Court must instruct the jury in the law. We have seen that formerly this provision was complied with by electing justices of the Common Pleas, with a justice of the Supreme Court as chief justice, who performed the duties imposed upon him by the constitution and statutes. Thereafterwards the justices of the Supreme Court were also designated as judges of the Common Pleas. At the present time this difficulty is met by the division of the Supreme Court into the two divisions: Appellate and Common Pleas. Certain of the justices are designated to sit in the Common Pleas Division and conduct the trials by jury.

We have thus briefly sketched the history and jurisdiction of the courts of the Colony and State and shown in an equally brief manner their control by and subjection to the Legislature of the Colony. Before passing on to discuss what the rights and powers of the courts were under the constitution, let us look and see if at any time during the two centuries prior to the adoption of the constitution, the courts themselves asserted their rights and claimed the prerogatives of their position. We have seen that at intervals during this period the Legislature realized the anomalous position which they occupied, but despite this recognition no change was made. On the part of the court the case of *Trevett v. Weeden* is cited as a signal instance of an assertion by the judiciary of the true character and nature of the offices which they held. This case merits more than passing attention. So great an authority on constitutional law as Cooley cites this case

in his work on Constitutional Limitations, as deciding the unconstitutionality of an act passed by a colonial legislature. Rhode Island at the time in question was in the feverish excitement of the paper money struggle. The Assembly was in control of the faction that intended, by force of legislative enactment to make the colonial script a legal tender for the payment of debts and the purchase of commodities. The so-called "force acts" provided for heavy penalties, and for special courts, without the right of jury trial, to assist the operation of the laws. One Trevett of Newport in 1786 bought meat of Weeden, the defendant, who was a butcher by trade, and tendered bills of the emission of the preceding May in payment, which were refused. A complaint was filed against Weeden, and the case was taken into the Superior Court, then in session. The case came up for trial and was tried on a plea to the jurisdiction, assigning three reasons why the court should not take cognizance of it. The first was because it was apparent from the act on which the information was founded that the act had expired. Second, because the matters of complaint were triable by special courts uncontrolled by the Supreme Judiciary Court of the State. Third, that "the court is not authorized or empowered by said act to empanel a jury to try the facts charged in the information, and so the same is unconstitutional and void".

The next day the court gave judgment, which was "that the said complaint does not come under the cognizance of the justices here present and that the same be and is hereby dismissed".

No reasons are given for the decision. According to the Newport Mercury of October 2, 1786, Judge Howell declared "the penal law to be repugnant and unconstitutional". Judge Davol was of the same opinion. Judge Tillinghast took notice of the striking repugnancy in the expression of the act "without trial by jury . . . according to the laws of the land", and Judge Hazard also voted against taking cognizance. The chief justice declared the judgment without expressing his own opinion.

The position of the court was a difficult one. The State was full of a wild and feverish fanaticism. They were the creatures of the Assembly, holding their offices by a yearly tenure. They faced a party that demanded the enforcement of the paper money laws at any cost. They confronted a bankrupt State and an impoverished country. Probably a majority of the citizens looked upon the laws in question as affording the only solution to the difficulties with which they were surrounded. Viewed in this light the decision of the court shows a high degree of moral courage, and yet the mere decision, so far as the point actually decided, which is all the case can stand for, was merely that the court had no jurisdiction in the matter. The act provided for a special court, and hence the Superior Court was without jurisdiction in the premises. This is all the case decides. To cite it



as deciding the unconstitutionality of the act is to give it a weight which the court not only did not attach to it, but which in their argument before the Assembly, when cited to show cause for their decision, they expressly deny.

While it is true, however, that the actual decision was that the court had no jurisdiction, still the arguments before the court had been based entirely upon the constitutionality of the act; of its invalidity owing to the fact that it deprived a citizen of the right of jury trial, and for other reasons, and so the effect of the decision so far as its moral weight was concerned was great. To the layman and to the average citizen it meant that the information was not sustained.

It is in the subsequent proceedings before the Legislature that the court stand forth with impressive dignity as champions of their rights and as asserting the independence of the judiciary from any control by the Legislature. The Legislature had understood the decision of the court as deciding that their act was unconstitutional. This clearly appears from the language of the resolution by which they cited the court to appear before them. "Whereas", it says, "it appears that the Supreme Court declared an act of the Supreme Legislature to be unconstitutional and void". There is no uncertainty in the minds of the Assembly as to their powers; no diffidence in their manner of asserting them. A Supreme Legislature they had been for two hundred years nearly. Supreme in many ways they were to remain for several decades to come; but the effect of this decision, the firm position taken by the court at this time in answering the attack made upon them, was such that from this point can be clearly marked the parting of the ways that was to lead the one branch of the government to its proper position in the State. The court were cited, as before stated, to appear before the Assembly and show cause for their decision. The record of the Assembly states, "that whereas the justices of the Supreme Court of Judicature have by a judgment declared and adjudged an act of the Supreme Legislature of the State to be unconstitutional and so absolutely void, and, whereas, it is suggested that the judgment is unprecedented and may tend to abolish the legislative authority thereof", etc. Three of the judges attended the summons, the chief justice being indisposed, and Judge Howell in his argument pointed out clearly the fact that although the pleadings and arguments raised the question of the constitutionality of the act, that the court did not decide this point, but merely passed upon the question of jurisdiction. This error as to the decision of the court has been repeated by so many learned commentators upon this subject, that it is with diffidence that the present writer calls attention to the fact, which an examination of the report of the trial and hearing before the Assembly make plain to any one who examines the subject carefully. His view has also the

support of a prior authority whose critical judgment in a matter of this nature is beyond question.

In the discussion of the case, however, the court, placing one side the question as to what was decided, discussed the abstract question of the right of the Assembly to call them to account, whatever might be their decision upon a question brought before them. They notified the Legislature plainly, and in so many words, that for the reasons of their judgments upon any question before them they were accountable to God and their own consciences, and not to the Assembly. Said Judge Hazard, himself a paper money man: "It is well known that my sentiments have fully accorded with the general system of legislation in emitting the paper currency. But I never did, I never will, depart from the character of an honest man to support any measures, however agreeable in themselves. If there could have been a prepossession on my mind, it must have been in favor of the act of the General Assembly, but it is not possible to resist the force of conviction. The opinion was dictated by the energy of truth. I thought it right—I still think so. Be that as it may, we derived our understanding from the Almighty and to Him only are we accountable for our judgment". Such were the men that occupied judicial seats in those days. The Assembly deliberated upon the subject and decided that they were not satisfied with the reasons advanced by the court, and a motion was made for dismissing them from their offices. After an extended debate, however, as it appeared that they were not charged with any criminal intent, they were discharged.

To be retained in office for such a reason might afford ground for the impression that the victory won by the court was but barren in its results. But this is not true. The case of *Trevett v. Weeden* stands as one of the most important points marking the struggle of the judiciary in this State. Up to that time the advance had been small. By this decision and the subsequent action taken by the court, an advance was made that was to endure. It was this case that made the case of *Taylor v. Place*, to be spoken of in its proper place, possible. The courage and manly conviction displayed by the court then, placed a barrier to the aggression of the Legislature in some directions, for all time.

In the discussion of this matter we have referred to the character of the court as then constituted. Although hardly connected with the above, it still is not out of place to speak at this time of one other notable instance of the triumph of the law over the popular prejudice in this State. It occurred in 1772, in the height of the pre-revolutionary excitement. The guns of the *Gaspee* were from the harbor a menace to the homes and lives of the citizens of the Colony. Partisan feeling was at the highest point. It is the knowledge of these facts that makes the case a memorable one. One Hill, of Wrentham, was

detected by the committee of inspection at New York in selling goods included in the non-importation agreements. They induced him to deposit the property with a merchant until the revenue acts should be repealed. A mob seized the goods and destroyed them. Hill brought an action in the courts of Rhode Island, where he succeeded in finding property belonging to some of the committee, alleging that he had given up his goods upon compulsion. The case was tried before the Superior Court upon appeal from the Court of Common Pleas, where a verdict had already been rendered for Hill. The ablest counsel in the Colony were employed upon either side. The public feeling naturally was strongly against the plaintiff. His claim was adverse to the cause of liberty. The judges were subject to annual election; the jurors were returned from different towns in the county of Providence and were practically judges then of both law and fact. The Superior Court confirmed the judgment of the Court of Common Pleas and gave the plaintiff damages for two hundred and eighty-two pounds. This verdict shows a reverence for law and a regard for justice on the part of both bench and jury which entitles them to the highest praise. The election of the same judges for another term a few weeks later by the Assembly shows as well an appreciation for law and order by the people at large that is even more remarkable. It is fitting that such instances as these should be remembered and that honor be rendered to a people showing such characteristics at such a time.

We have seen that despite the denial by Great Britain of the right of the Assembly to act as a court of appeal, that that body had continued, almost by subterfuge in reality, to act by way of petition, exercising practically the same authority. Indeed, the procedure of this body when hearing petitions differed in hardly any respect from that of a court. A body of rules was adopted by an act of the Assembly which prescribed the manner in which appeals should be brought before them. Any person who petitioned the Assembly praying that any judgment or determination of the courts of the Colony might be set aside, or that execution might be stayed on a judgment rendered against him, was required, at least three weeks prior to the next session of the Assembly, to file his petition with the secretary of state and at the same time give a bond to pay the costs of the proceedings. Thereupon the secretary issued citation which was served by the sheriff upon the adverse party, requiring him to appear and show cause why the prayer of the petition should not be granted. At the beginning of the session a time was assigned for hearing these petitions. The clerk of the lower house of the Assembly kept a docket, and at the time assigned the cases were called in their order. If the petitioner did not appear, the petition was dismissed, practically a non-suit. If the respondent in turn did not put in an appearance, the petition was granted; practically a default. Can any



one say that this was not a judicial body and a judicial proceeding, in reality if not in name?

For a period after the Revolution and before the adoption by the Colony of the Federal constitution, Rhode Island was a free and independent State. No constitution other than the charter of 1663 and the laws enacted under it bound the Colony. No one could question any act of the Assembly. For that short time at least they were supreme. After the acceptance of the Federal constitution affairs were conducted practically in the same manner. That clause of that instrument which guaranteed to every State a republican form of government was little understood or, if appreciated, not observed. The Assembly down to the adoption of the constitution of 1843 exercised their power both as a court of original jurisdiction in some cases and as a court of review in others without serious question.

This constitution of 1843 contained several clauses, which, as the disputed points around which the future controversies turned, should be considered here. One was: "The General Assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited in this constitution".—Art. IV, sec. 10. Another, "The Supreme Court established by this constitution shall have the same jurisdiction as the Supreme Judicial Court at present established".—Art. XIV, sec. 3. Another, "The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people".—Art. I, sec. 23.

After the adoption of this constitution, whatever the judicial appreciation of these clauses may have been, the Assembly evidently considered that either by virtue of them or apart from them, their powers remained. This is plain from the fact that they continued to exercise them. It is difficult, as has been said before, to understand their position in the light of the present day, or in the light of the decisions upon the political system of the Federal and State governments. The differentiation of powers; the trinity of the branches of the government; the meaning of a republican form of government, had been a matter of political theorizing, of debate and of actual application for over fifty years. And yet in this State the people, the courts and the Assembly had continued in their traditional paths as though such a matter had no practical meaning within the limits of the State. It can hardly be doubted that the court, at least, after the adoption of the constitution, before any utterance of theirs upon this subject, must have realized their position and compared it with the constitutional position to which they were entitled under that instrument, and under our form of government as then in operation for several decades. And yet it was not until the year 1855 that this question came plainly before the court. It is interesting to see how the court met it. In January, 1854, an act had been passed by the Assembly reversing and

annulling the sentence of Thomas W. Dorr for treason and directing the clerk of the Supreme Court to write across the record of the judgment, the words, "Reversed and annulled by order of the general assembly". The following year the political complexion of the Assembly being different, a resolution was passed asking the opinion of the court as to the constitutionality of such act. The court, in their opinion, replied that under the constitution two separate and distinct departments of the government were created; the judicial and the legislative; each vested with exclusive power in its proper sphere. That such power exclusively conferred upon one department was, by necessary implication, denied to the other. Neither, said the court, could the section of the constitution which provided that the Assembly should continue to exercise the powers theretofore exercised by them, unless prohibited in the constitution, be regarded as conferring judicial powers, for the reason that it was found in that part of that instrument treating of the legislative power, and further that all judicial power was prohibited to the Legislature by implication—the by the great principle of the distribution of powers.

After this definition of the distinction between the two branches of the government, so correct in principle, it is very remarkable to observe the manner in which they fail to decide the very question before them. From the time of the adoption of the constitution the Assembly had continued to exercise judicial powers. They had granted petitions for new trials in suits at law, the trial to be had in the proper court. They had heard and decided appeals from the judgments of the Supreme Court on insolvent petitions, and in this latter class of cases their judgment was final. With these facts before them the court say:

"Undoubtedly this practice of the Assembly, since the adoption of the constitution, being a continuance of a similar practice which prevailed down to that time, was supposed to be authorized by this section, and we do not mean to intimate the slightest doubt of the validity of these proceedings. But it will be seen that they involved powers which the Assembly were in the practice of exercising down to the time of the adoption of the constitution and subsequent thereto.

"The previous practice of the Assembly to exercise a particular judicial power, although continued down to the adoption of the constitution, is not, in our judgment, alone sufficient to authorize its exercise now.

"If the power has been discontinued since the adoption of the constitution and its exercise is inconsistent with the provisions of that instrument, we are bound to suppose it was discontinued on account of such inconsistency.

"But if the practice prevailed before and after, and has been

acquiesced in by the people, we do not mean to say such practice may not be valid upon the ground of construction by acquiescence and the danger to titles from now disturbing it”.

This was a truly remarkable proposition, the conferring of constitutionality upon acts clearly unconstitutional, through the mere exercise of an unconstitutional power and the acquiescence of the people therein. The court proceed to distinguish the various judicial acts performed by the Assembly. They found that they were in the habit of entertaining petitions for new trials, but that such trial was to be before the court in which the suit was pending. That these petitions were preferred under a general law, passed for that purpose, as were also appeals from the Supreme Court on petitions for the benefit of the insolvent act, although in this latter class the Assembly reversed the judgments of the Supreme Court by a final judgment. The court held, however, that these cases were no precedent for a reversal by a final judgment of the Assembly of a judgment of the Supreme Court upon an indictment for an offense exclusively within the jurisdiction of such court.

It is clear from what has been quoted from this opinion that the case falls far short of establishing the judicial department of the State in its true position. It was not until the year 1856, in the case of *Taylor v. Place*, that the point so long debated was finally and definitely settled.

At the December term of the Court of Common Pleas in 1853, after a trial, a verdict was rendered for the plaintiffs in this suit, and thereupon the defendants appealed to the Assembly for relief against the verdict, upon the ground of accident and mistake. Due notice of this application for relief was given to the plaintiffs, and at the January session of the General Assembly, 1854, after the usual hearings before the respective committees of the two houses, the following vote was passed:

“Upon the petition praying therein for reasons stated for new trial and for leave to make further affidavits,

“Resolved, that the prayer thereof be and the same is hereby granted, and the said defendants are hereby authorized and empowered to make further affidavits and said court is authorized to receive the same, with the same effect as if the same had been filed at the first term of the pendency of said suits, and to stay proceedings and to suspend judgment in a certain suit growing out of said suits”.

By the passage of this act the question between the Assembly and the court was brought squarely to an issue.

The opinion in the case was written by Chief Justice Ames, and in the light of the extended discussion of this question, from the settlement of the Colony, which has been made, deserves more than a mere passing glance. The exact position of the parties must be remembered.



It was more than a mere case of a plaintiff upon one side and a defendant upon the other. The court were confronted by an Assembly upon the side of the defendants; a legislative body which had exercised powers practically unquestioned for nearly two hundred years; allied with this body were a large portion of the citizens of the State who looked upon the rights exercised by their representatives as rights practically of their own. Against this unbroken exercise of prerogative, against this sentiment, was arrayed, so far as this State was concerned, a few scattered instances in the records where the Assembly had had doubts more or less sincere of their authority, and the vacillating opinion in the *Dorr* case. The opportunity was presented to the court to define the constitutional limitations upon the departments of the government, and Judge Ames was not found wanting either in ability or courage. His opinion is masterly, not only as a definition of the constitution of this State, but as an exposition of constitutional law in its broadest extent.

Speaking of the exercise of this power by the Assembly, Judge Ames says: "If the law-making department in our government has also the power to interpret and to enforce their interpretation of the laws, either acting wholly by itself or by directing and controlling as a superior tribunal, all other tribunals of the State, every friend to a settled and well ordered administration of justice, every lover of free government itself, has, indeed, cause to mourn. It was the celebrated maxim of Montesquieu that 'there can be no liberty if the power of judging be not separated from the legislative and executive powers'."

He quotes from Hamilton, "that from a body which had even a partial agency in passing bad laws, we could rarely expect a disposition to temper and moderate them in the application. The same spirit which had operated in making them would be too apt to influence their construction; still less could it be expected that men who had infringed the constitution, in the character of legislators, would be disposed to repair the breach, in that of judges. The members of the Legislature will rarely be chosen with a view to those qualifications which fit men for the stations of judges".

Judge Ames further says: "An independent responsible judiciary is the only safeguard of our property, lives and liberties. Taught by our own experience, the people of this State have been steadily advancing towards it, until in the constitution adopted by them only in 1843, they supposed that they held it firm and securely in their grasp. If the vote in question be constitutionally valid, then this just expectation is but a dream and illusion. If the General Assembly may constitutionally exercise judicial functions, then uniting in substance all the powers of government, it is, except so far as its power is bounded by the constitution of the United States, constitutionally omnipotent and irresponsible. If by the constitution the Assembly

possesses any judicial power, there is logically no limit to it; it possesses all. It has only to search its ancient archives and it can find a precedent for the exercise of every species and degree of this power—from the hearing of appeals from judgments of its Superior Court of Judicature—from the exercise of every power which has been exercised by courts of equity, down to the setting aside the judgments and granting of new trials, in the pettiest cases at law, decided by magistrates in the Colony or State”.

There is no escape from such logic as this; it is unanswerable. The position taken by those in support of this authority was none too strongly stated by the court in quoting the contention of counsel in a former case, to the effect that the Assembly, having been originally the only court in the State, had exercised common law, chancery, probate and admiralty jurisdiction and had never parted with its chancery jurisdiction, being, as had been stated, “the best court of chancery in the world”.

But now the court declared, under the constitution, whatever might have been the rights of the Assembly in the past, the old order had changed. The powers of government which, under the old charter had been aggregated in the Assembly, were now distributed among the appropriate departments; that thus a just balance of power might obtain among all; the judiciary, the weakest and therefore the safest depository of such power, to control the tendency to excess of action in every other department, and especially to check encroachment upon the just limits of its own.

The court held that the distribution of powers under the constitution of 1843 was evidently made for the special purpose of depriving the Assembly of their long exercised judicial power, which rightly or wrongly that body had assumed under the charter. As a ground work for this deprivation and to meet the new exigency, the judges of the Supreme Court, who, under the charter, had, like all other officers, been of annual appointment by the Assembly, were endowed with a firmer tenure, that of good behavior. Again, the Legislature was empowered to increase the jurisdiction of the Supreme Court, but they could not decrease it, and the court was given the jurisdiction which had been exercised by the former Supreme Judicial Court.

The court declare very truly, what has been noticed by us and cited as one of the striking features of this controversy, that the question was not a novel one. They cite to sustain their position the well settled decisions arising under the Federal constitution and which had been the law of the land for many years.

In the light of all this, say the court: “When we are told that the Assembly, from the earliest colonial times down to the adoption of the constitution in 1843, always exercised at will judicial power, and especially the judicial power of a court of chancery, and that by the

tenth section of the fourth article of the constitution they were to continue to exercise the powers they have heretofore exercised, unless prohibited in this constitution, our short and true reply is, that the exercise of judicial, and especially of chancery powers, is prohibited by the constitution; and that we must be false to history, right reason, the settled rules of judicial exposition, the established meaning of the language of the constitution as given unvaryingly by the highest authority and with that meaning adopted by the people in adopting the constitution, and so false to both the people and the constitution, if we come to any other conclusion”.

And then comes the following sentence, which opened up a new line of thought for the social economists of that time: “When we are told that since the adoption of the constitution the Assembly have, nevertheless, with the assent of some of the framers of it, exercised occasionally judicial powers, our reply is, that neither the convention which framed the constitution, nor its members, nor the members of the Assembly, nor even the Assembly itself, can authoritatively expound the constitution, but only *the courts*”.

This was indeed new doctrine; at last a tribunal had arisen to which that body that, for over two hundred years of the history of the Colony and State had exercised supreme power over its affairs, must defer. We shall see whether this doctrine was acquiesced in without question or not.

There is not opportunity to examine this opinion more closely or at length, but from the date of its being handed down by the court, it forever placed a boundary to the usurpation of the Assembly. It marks sharply the end of the old power and it denoted the beginning of a new era.

It was scarcely to be expected that a decision which made such a radical departure from the established custom of the State would be at once accepted by the citizens without dissent. Those supporting the former practice based their arguments upon that clause of the constitution, which has been referred to, which they claimed was mandatory, that is, “that the Assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited by this constitution”. Claiming this clause to be mandatory, they further claimed that it could not be set aside by any implied or less mandatory grant of power in the same instrument. Of the members of the convention that framed the constitution of 1843, seventeen of that number were subsequently members of the General Assembly that adopted the digest of 1844. In that digest was an act entitled “An Act for preferring petitions to the General Assembly and acting thereon,” which prescribed the forms and modes of proceeding of petitioners who should prefer a petition to the Assembly, praying that any judgment, rule of court or determination might be set aside, or that execution



might be stayed, or for any matter or thing whereby any action or proceeding in any court might be stayed or delayed. It further prescribed the procedure to be followed by the Assembly in acting thereon. It is readily seen that this statute was a simple re-enactment of the former statutes upon the same subject, which have in an earlier portion of this history been referred to at length. The proceedings to be followed were the same. Under this statute, as we have also seen, the Assembly did continue to exercise many of the powers that it had previously exercised. Even the most ardent advocate for the constitution must admit, in view of this, that to some of the framers of the constitution no change in the character of the form of government, no strict separation of the departments, was apprehended or intended; but yet, on the other hand, it is not for a moment to be supposed that those men who were responsible for the drafting of that instrument and for the clauses and sections which constituted the future government of the State upon recognized constitutional lines, did not understand the meaning of the words they used, or did not intend to frame a republican form of government. They framed a constitution based upon the Federal constitution; they used words and phrases used in that instrument, words which had been construed and had a readily ascertainable meaning, and they undoubtedly used them and intended to use them with such meaning. In view of that, it is difficult to understand why such a statute was passed as we are discussing, or why the practice of the Assembly under it was allowed to pass without dissent.

The only answer that can be made is, that, as has been shown, the Colony and State had been unique in its system of government. Fear of legislative encroachment was common to many of the New England colonies, and various safeguards were devised to guard against it. But more than all other reasons is the fact that for so many years the upper house of the Assembly and the Supreme Court of the Colony had been one and the same body. Such being the case, there was nothing incongruous in the idea that the Assembly which adopted should also pass upon the laws. The country was ever jealous of the cities and their growing power. In the courts the people were accustomed to see a body of men which was practically elected through their suffrage; not a body constituted and set apart by others, to adjudicate upon their persons and their property. When the upper house of the assembly ceased to be *ex-officio* the court as well, still the Assembly exercised supervisory power over the courts, and it was not recognized that any rights had been parted with. It was this desire to retain this right, which was the motive back of the continuance of this former act, regulating appeals to the Assembly.

That the court itself was afraid to change the old order and was itself uncertain as to its powers and the rights of the Assembly, has

been shown in the discussion of the Dorr case, where the court certainly go very far toward recognizing and admitting the rights of the Assembly.

We have referred to the fear of judicial oppression as being common in the Colonies. Especially was this true in Rhode Island, and in this Assembly the people saw a safeguard provided for them against oppression from the judiciary; a representative body of the people, such as they were themselves, who could appreciate their needs and were bound by no hard rules and customs of the common law. Upon this question of the rights reserved to the Assembly under the clause of the constitution above referred to, even so great an authority as the late Chief Justice Durfee appeared to have some uncertainty as to whether there might not be some powers which the Assembly might exercise thereunder, although of a judicial character.

In his "Gleanings", in a note to page 64, he says: "In Rhode Island the General Assembly has the entire legislative power; but it has also powers which are not strictly legislative. The judicial power is in terms conferred upon the courts and accordingly would belong to them exclusively, without doubt, but for the other provision, being section 10 of article IV [the clause under discussion]. In any controversy between the Assembly and the courts as to whether the Assembly has, in a particular enactment, exceeded its province and usurped a power belonging exclusively to the courts, two questions may come up for decision. The question may be, first, whether the power exercised in the enactment was judicial. This is a question of constitutional law and must be decided as such by the court. If the power is held to be judicial, then the question is, whether, notwithstanding it is judicial, the Assembly has not the right to exercise it under section 10. The Supreme Court decided in *Taylor v. Place* that no such right is reserved to the Assembly by section 10, because section 10 only reserves to the Assembly such powers as are not prohibited, and the grant of the judicial power to the courts prohibits it by implication to the Assembly".

The unanswerable logic of the opinion of Judge Ames is a sufficient reply to any question as to whether any portion of judicial power was intended to be reserved to the Assembly under the section referred to. It is sufficient to say that the constitution must be read in the light of the Federal constitution, upon which it was clearly based.

Although the decision of Judge Ames settled this question so far as the law was concerned, it was not until the close of 1860 that the subject ceased to be agitated by the people and by the Assembly.

As the consideration of this subject in its later aspects involves as well a discussion of the equity powers of the courts of this State, both at the present time and in the early days of the Colony, it is necessary

to consider the origin and development of such powers as briefly as possible.

These powers which to-day form in many respects the most important portion of the jurisdiction of the Supreme Court and most intimately affect the rights and privileges of the people, were of very slow growth. In 1667 power was granted to the courts to proceed where any penalty, conditional estate or equity of redemption was sued for, according to the rules of equity and to chancery forfeitures. It will be remembered that in 1705 the Assembly was requested to establish a court of chancery, but that that body determined that they were a sufficient court in themselves, and continued to exercise practical, if not technical, equity jurisdiction, as theretofore. In 1708, after the adverse decision of the English Council upon the question of the exercise of judicial powers by the Assembly, the latter provided for the establishment of a court of chancery, but nothing was done in this direction until 1741, when a court of equity was constituted by the Assembly, in reality a court of appeals rather than one exercising chancery jurisdiction proper; but in 1743 the court was abolished.

In 1798 the court was empowered to entertain a bill to redeem and in 1822 a bill for foreclosure. At the same time jurisdiction on appeal from town councils was granted over property held for charitable uses.

In 1829 jurisdiction was extended to all cases relating to trusts created by assignments for the benefit of creditors; in 1836 to cases relating to trusts however created; to controversies between co-partners; to proceedings against banks for forfeiture of charter and for liquidation, and in 1837 against railroad and turnpike corporations to restrain them from violating their charters.

In 1841 the court was given full equity powers in cases of fraud. Under the constitution of 1843 "chancery powers may be conferred upon the Supreme Court, but on no other court to any greater extent than is now provided by law". This short review shows that the growth of equity powers and jurisdiction has been very slow in this State. The development was along conservative lines, such powers being granted as the necessities of the times and the advancing civilization required. Under the constitution and by virtue of the clause quoted above, full equity powers were conferred upon the Supreme Court, and have been exercised by it since that time.

At the time then when the decision was rendered in *Taylor v. Place* the Supreme Court had practically its present full equity powers. This, however, was equally an innovation. Among many the chancery powers of the court aroused even greater antagonism than the claim made by it to be recognized as a co-ordinate and independent branch of the government. For one reason, the peculiar and not fully



understood practice of the Court of Chancery rendered it distasteful to many; for another its vast and far-reaching powers made it distrusted and feared. The well known statement that the General Assembly "was the best court of chancery in the world" was believed by many. Such being the condition of the public feeling among a large number of the people, the Hazard-Ives controversy, which arose about this time, added fuel to the flames. It is not the intention to go into a history of this controversy, which for years stirred the people and arrayed them into factions. The merits of the case were agitated annually before the Assembly; from house to house and from committee to committee. With its merits we have nothing to do, but as illustrating the attitude of the people and the Legislature toward the court, especially in the light of its newly-claimed prerogatives, it is of the utmost value. We have said that Judge Ames's decision settled the law, but it was the arguments advanced in the discussion of the Hazard petitions in the Assembly that definitely settled the controverted points. With the termination of this dispute, the claims of the court were recognized henceforth as the law of the land. After the decision of the court upon a bill in equity for specific performance, relief was sought as of old in that body to which appeal had been made for two centuries. The petitions sought, among other relief, a new trial of the case, and a limitation and restriction of the equity powers of the court. The subject matter was discussed at length, the Assembly, despite the decision in *Taylor v. Place*, apparently treating the question as of yore. At length, in 1859, a report was made to the Assembly by the committee having the matter in charge, which report, after recommending that one petition be continued, required the petitioner to notify one of the adverse parties of its pendency, as required by the statute (then in 1859 still upon the statute book of the State) regulating petitions to the Assembly. The report further recommended the passage of a resolution declaring that in assuming equity jurisdiction in the case, upon which a decree was issued by the Supreme Court, the said court exceeded the authority conferred upon it by the General Assembly, and that the equity proceedings in said case should be wholly amended, revoked and annulled, and the complainant left to seek his remedy before a court of common law, in conformity with the requirements of the constitution and laws of this State. This resolution, as appears, was simply a rejoinder to the judgment of the court as previously declared—a reaffirmation of the power of control over the courts. However, it was the last and final struggle in this conflict, which has been followed for two centuries. The report further coincided with a previous report referred to therein, viz., "that in instances where the court have exceeded the power conferred upon them or have exercised those powers in an oppressive or an unauthorized manner, the General Assembly has the undoubted right, and is in duty

bound, to rectify such abuse of power, either by ordering a new trial or in such other manner as will promote the ends of justice. That this power is lodged in the Assembly, to be exercised for the preservation of those personal and invaluable rights secured to every citizen, in the constitution and bill of rights. Were it not so, the court would be, in fact as well as in name, supreme, and the citizen in constant danger of being deprived of his property or his liberty without redress. Legislative wrongs can be remedied by the repeal of the obnoxious provisions, through a new Legislature. Executive oppression can be terminated by the potent influence of the ballot-box, but where is the remedy for judicial wrongs if there is no power in the State to interfere with or correct them? Previous to the formation of the State constitution this power was constantly exercised by the Assembly, and, as we believe, that right is clearly recognized in that instrument itself. In section 10 of art. 4 of the constitution it provided that the General Assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited in this constitution. However desirable it is in such an instrument to have every power of each branch of the government clearly defined, there evidently was something left undefined in the instrument itself, or else this clause is not only unnecessary, but calculated to mislead and deceive. There was some power meant to be recognized as existing in the Legislature by that section, which is not expressed there, but which had been so long recognized and exercised by that body that the framers of that instrument thought it unnecessary to insert a power so long used and so clearly understood by the people, the Legislature, and the convention itself, as to become of the nature of a constitutional provision. In cases where people have lost their right to a new trial before the court by accident or the fraud of the other party, this power has always been exercised, and there would seem to be a peculiar propriety in exercising it in that class of cases at least. This power has been exercised as well under the constitution as the charter and without question, until very recently. Again, in sec. 3, art. 14, of the constitution, it is provided that the Supreme Court, established by this constitution, shall have the same jurisdiction as the Supreme Judicial Court at present established. Now it is undeniable that the Assembly did exercise a supervisory power over the Supreme Judicial Court previous to the adoption of the constitution, to the extent of ordering new trials. This would seem to show that the framers of the constitution acted advisedly, when that clause was inserted, as a check to the court and for the safety of the people. But then, it is said, that the Legislature have no right to grant a new trial, because the constitution provides that the judicial power of the State shall be vested in one supreme court and in such inferior courts as the General Assembly may from time to time ordain and establish. This, however, is not conclusive, for it does not neces-

sarily follow that because the Assembly order a new trial before the court, it therefore assumes judicial power; since it does not by such act take upon itself to try the case over again, but merely directs the body clothed with judicial power to try it. If this clause does prohibit the Assembly from exercising the power referred to, it does not do so directly, but by implication only, while the uniform exercise of that power hitherto is no inconsiderable argument, to show what has always been understood as being implied in the tenth section of article four, as to the power of the Legislature to order new trials. But is it safe to rest this prohibition upon implication only? It is well known that, under the charter, the Assembly exercised the amplest power of granting new trials, and many other powers, some of which are expressly prohibited by the constitution. Take, for an illustration, in article four, section thirteen, the General Assembly are prohibited from contracting debts over a certain amount, a power which it had under the charter, and would now have but for this prohibition. Now, is it to be supposed that the convention meant positively to prohibit some things and by implication prohibit others? If so, would it be so very explicit in regard to the increase of the State debt, and then so vaguely, and by implication, prohibit the exercise of so great and important a power as the ordering by the Assembly of a new trial; a power so long used and so highly valued by the people? This would imply that the convention was more regardful of questions of mere dollars and cents than of those great and fundamental principles of justice, liberty, equity and right, which have ever been a distinctive characteristic of our people. Whether this power should be exercised or not must be determined by the merits of each particular case in which its exercise is sought, and in view of that sound discretion and nice sense of right which ought and is supposed to be characteristic of every legislature.

“In the case *Taylor v. Place* it is intimated by the court that, although the Assembly is competent to confer power upon the court, and enlarge their jurisdiction from time to time at their discretion, yet this Assembly have no power to diminish or restrict that power or jurisdiction. If this be the meaning of the court, then its jurisdiction and power may go on enlarging until it absorbs all the powers of the government; for if each enlargement of its jurisdiction is to be considered as a permanent enlargement, not capable of being restricted, or as a sort of vested right which cannot be divested, it would soon have such a controlling influence over the other branches as completely to nullify the legislative and executive powers and dictate to them respectively what they can or cannot do. This is claiming a much greater power over the legislative branch than the Legislature ever claimed to exercise over the courts.



“But your committee are of the opinion that the General Assembly can diminish, limit, restrict, and define the powers and jurisdiction of the court; and that it is their duty so to do if, in their opinion, there is a liability to abuse or oppression, or the people require such restriction and limitation. The exercise of equity powers, in as full and ample a manner as the same is now claimed and exercised, is, perhaps, the most objectionable of the powers of the court. The exercise of this power by the court has always been viewed with jealousy by those accustomed to the more speedy and surer remedy of the common law and trial by jury. A large portion of the people of the State hold to the opinion that equity powers ought not to be exercised when the party can obtain his remedy at common law. This power, though distasteful to a large portion of the State, has been gradually accumulating until it has assumed its present colossal proportions. By what means this increase has been brought about in the face of this popular opposition to its exercise is one of the inexplicable phenomena of this progressive age”. The committee recommended the passage of an act accompanying their report limiting and defining the equity jurisdiction of the courts. This report in almost its full length has been quoted for the reasons, first, that it is probably as good an argument as could be made on that side of the case, and, second, that it undoubtedly reflected the opinions of a large number of the people of the State. It must be considered that this report was rendered as late as 1859, so it is apparent how little appreciated or understood by the Assembly had been the argument of the court. The theory of separate branches of the government, with an independent judiciary to adjudicate upon constitutional questions, whose decision should be final so far as the State was concerned, was incomprehensible from the point of view of the Assembly. A “supreme” court, in the words of the Assembly, would be a danger to the State, a menace to the rights and liberties of the people. Therefore, in place of a court composed of men selected because of their learning in the law, their probity and uprightness, they would substitute as supreme arbiter of the rights and liberties of the citizens a fluctuating body, subject to annual change, composed of men drawn from all walks of life, unskilled in questions of law. This body, we are to believe, was to be a safeguard against judicial aggrandizement. But it is to be seen from the report quoted that in the increasing equity powers of the court was the greater danger apprehended. The committee state the view of a large part, as they say, of the people of the State that equity powers ought not to be exercised when the party can obtain his remedy at common law. In this statement the committee disclose a woful lack of understanding of equitable jurisdiction, which no previous course of action by the courts can be considered responsible for. It is the duty of

equity to supplement the law, and the jurisdiction of equity never will be exercised when the party has an adequate remedy at law. An adequate remedy, not simply a remedy. It was a confusion of terms and a want of appreciation of what equity really is that led the Legislature into this error. From this report, representing the views of the champions of an independent and unrestrained Legislature, let us turn to the arguments advanced in support of the position taken by the court. And with this final consideration of this question in its last appearance before the Legislature and in the vindication of the claims of the court, we shall turn to less technical and perhaps more interesting features of the judicial history of the Colony and State.

The name that should be joined with that of Judge Ames, as representing the final triumph of a republican form of government in accordance with the intent of both the Federal and State constitutions, in this Commonwealth, is that of Thomas A. Jenckes. The one upon the bench, the other upon the floor of the House of Representatives, declared the principles upon which this government is based and upon which its hope of perpetuity rests, in words whose logic, learning and power were alike convincing and unanswerable. In discussing the report of the committee above referred to, the speaker referred forcefully to the common sense of the people at large, and stated his belief that if the subject was brought home to them, if they were brought to look at the origin of the government and the principles which regulated it and the spirit upon which it should be administered, that their conclusion would be correct. That this view was correct is shown by the fact that the constitutional rights of the court, once understood and recognized, were admitted unquestionably from that time.

After showing that the Legislature had conferred full and complete equity jurisdiction upon the Supreme Court, the great question in the controversy was taken up; reduced to the simplest point, it was this: What body was to construe and interpret the laws of the State, the Legislature or the court? We quote the argument of Mr. Jenckes: "We find in the constitution an article declaring that 'the judicial power shall be vested in one supreme court and in other courts to be established by the general assembly'. What is the judicial power? We look abroad to the constitutions of Massachusetts, of Connecticut, of New York, of other States, and of the United States, and we find what the judicial power is there declared to be. What meaning have those words in the constitution of every State of this country and in the constitution of the United States? We find where such language has been used in those constitutions that it has been declared to mean the entire judicial power that exists under that constitution. If any particle of judicial power exists elsewhere, then the meaning of those

words is not satisfied. In the convention [that framed the constitution of 1843] sat General Jackson, bred to the law. 'There,' said he, 'is the great exemplar, the constitution of the United States. All the States of the Union that have framed constitutions, since 1787, have adopted that language [referring to the judicial power]; let us adopt it. The language of the constitution will be uniform here with what it is elsewhere'. That was the argument and it prevailed. That there should be no special or different language from that which was contained in the constitution of the United States. And place them side by side—the tenth article of our constitution and the third article of the Federal constitution—and you will find them the same, word for word, so far as relating to the grant of judicial power. All the inferences that can be drawn from the debates of that convention is that they adopted the model of the constitution of the United States in all that pertains to the judiciary”.

The speaker then in a concise review of the judicial history of the Colony from its foundation down to the time of the Revolution, and thence to the adoption of the Federal constitution, shows clearly how the adoption of judicial functions and powers by the Assembly was a usurpation, pure and simple, acquiesced in by the people owing to the difficulties connected with an appeal to the English authorities. After 1790 the Assembly continuing to exercise judicial power, had come into conflict with the Supreme Court of the United States. This court said: “In a government professing to regard the great rights of personal liberty and property and which is required to legislate in subordination to the general laws of England, it would not lightly be presumed that the great principles of Magna Charta were to be disregarded or that the estates of its subjects were to be taken away without trial, without notice and without offense. Even if such authority could be deemed to have been confided by the charter to the General Assembly of Rhode Island, as an exercise of transcendental sovereignty before the Revolution, it can scarcely be imagined that that great event could have left the people of that State subjected to its uncontrolled and arbitrary exercise. That government can scarcely be deemed to be free where the rights of property are left solely dependent upon the will of a legislative body without any restraint. The fundamental maxims of a free government seem to require that the rights of personal liberty and of private property should be held sacred. At least no court of justice in this country would be warranted in assuming that the power to violate and disregard them, lurked under any grant of legislative authority or ought to be implied from any general expressions of the will of the people”.

The knowledge both of the history of the judiciary and of con-



stitutional law displayed in this speech, as well as the clearness and conclusiveness of the argument, settled finally and forever this much mooted question.

In the early days of the Colony the sessions of the courts were held at an hour that would hardly now be acceptable to either bench or bar. One of the rules for the regulation of the judiciary contained in the code of 1647 provides that the court shall open daily when in session at eight o'clock in the morning "at the farthest". Whether they accepted the spirit of this rule and held their sessions at an earlier hour than that stated we do not know, but it is easily presumable that they may have done so.

Another of the rules contained in the code shows a remarkable appreciation of the duty of the court toward litigants, and is as true to-day as ever. This rule provides that the court in charging the jury "shall mind the inquest of the most material passages and arguments that are brought by one and other for the case and against it, without alteration or leaning to one party or another, which is too commonly seen".

In 1729 the Assembly passed an act providing that whereas the sitting of lawyers in the Assembly on the hearing of appeals from the General Court of Trials was found to be of ill consequence, that thereafter no practitioner of the law should be chosen a deputy from any town in the Colony during his practicing as such.

In 1878 the right which parties to civil suits, commenced in the Supreme Court, had to a second trial, as of course, if defeated in the first, was abolished. And as two trials could still be had in suits brought and tried in the Common Pleas, if an appeal to the Supreme Court were still allowed, later the appeal was limited to the defendant and allowed to him only from judgments submitted to by him on the first or second day of the term to which suit was brought.

So far as concerns the salaries which Rhode Island, both as a Colony and State, has paid her judiciary, although they have been frequently cited as an evidence of the parsimony of the people towards a body that in the highest degree is representative of the dignity of the State, still it should be considered that until within the last three-quarters of a century Rhode Island was largely a farming State; that for many years it was extremely poor; that the litigation was far different in its nature from that which the court is now called to adjudicate upon, and considering these facts and comparing the judicial compensation with that paid in other colonies similarly situated, it will be seen that Rhode Island, while never liberal, was still not unduly parsimonious. It is further to be remembered that the men who sat upon the bench of this State, until the first quarter of the last century, were not men skilled or learned in the law. For many years, as has

been shown, they were the executive officers of the State; for many years thereafter they were men drawn from the same walks of life as their fellow men; men who relied upon common sense and their knowledge of the facts of the cases presented before them rather than upon their knowledge of the common law. In the beginning and for many years the court was paid partially through a system of taxed costs and fees. In addition a daily rate of three and four shillings was added. The difference in the value of this sum in the early years of the Colony compared with its present value must be taken into consideration. What period of time was covered by this amount is not clear, the records failing to show any express repeal until the year 1778. It must be remembered, however, that the judicial officers were as well the executive, and in the latter characters received an annual salary amounting, in 1722, to thirty pounds for the deputy governor and ten pounds for each assistant. It is undoubtedly true that their various duties being so closely united that the salary paid was intended to cover all services rendered. In 1778 the per diem was made thirty-six shillings, and in 1779 it was further increased to three pounds. In 1780 this amount was changed to three dollars for the chief and two dollars and a half for each associate justice. In 1783 the amount was again changed to an annual salary of thirty pounds for the chief and twenty-four pounds for each associate justice. In 1786 the entire system of salaries was abolished, the judges having to depend upon the generosity of the Assembly for their compensation. In 1793 a per diem of fifteen shillings was allowed to the chief justice and twelve shillings to each associate. In 1798 the salary of the chief justice was made five hundred dollars and that of the associates three hundred and fifty dollars each. In 1822 the salaries were reduced, that of the chief justice to the sum of two hundred and fifty dollars and the associates' salaries to two hundred dollars each. In 1827 the number of judges was reduced to three and their salaries raised to six hundred and fifty dollars for the chief justice and five hundred and fifty dollars for the associates. It is hardly conceivable that men could have held these positions and at the same time relinquished, in the case of members of the bar, elevated to the bench, their private practice.

In the year 1848 Richard Ward Greene, one of the leading practitioners at the bar, was elected chief justice, and the salary was raised to the sum of nine hundred dollars. In accepting this office Judge Greene relinquished a private practice worth some eight thousand dollars a year, a very large practice at that time. Soon after his appointment it became known that he intended to retain his private practice in the Circuit Court of the United States for this district. At this time the Circuit Court was the forum where the most important litigation of the State was brought, owing to the character of the

judges who had successively held the court, and the advantage of arguing nice questions of law before them rather than in the State Court. When Judge Greene learned that his proposed course would not be satisfactory to the bar or to the people, he gave up his private practice and for several years devoted himself to the discharge of his duties as chief justice.

After the retirement of Judge Greene, in 1854, the salaries were once more changed to sixteen hundred dollars for the chief justice and fifteen hundred dollars for each associate, all fees which had previously been paid to the court being abolished. In 1856 the salary of the chief justice was increased to the sum of twenty-five hundred dollars, and in the following year those of the associate justices were also increased to eighteen hundred dollars each. In 1866 Judge Bradley was elected chief justice with the salary of thirty-five hundred dollars, but upon his resignation two years later it was reduced to three thousand dollars, and the salaries of the associates made twenty-five hundred dollars. In 1875 the salaries were once more increased to forty-five hundred dollars for the chief and to four thousand dollars for the associates. At the present time the salary of the chief justice is fifty-five hundred dollars and those of the associates five thousand dollars. An allowance is also made for the traveling expenses of the court. Furthermore, any justice may, after a continuous service of twenty-five years upon the bench, retire upon full salary, the same privilege being accorded a justice who, while in actual service, arrives at the age of seventy years, provided he has served upon the bench continuously for at least ten years.

One of the curious things noted in the early practice before the courts to those who are now accustomed to the nice differentiation between questions of law, which are for the court, and questions of fact, which are for the jury, is the fact that until within the time of constitutional government in this State, strictly speaking, the juries were judges of both law and fact. Counsel took their authorities before the jury and argued questions of law, as one would now present the points of law involved in the case before the court on appeal. In the code of 1647, as has been noticed on a preceding page, the court were ordered to charge the jury in the law. This practice seems early, however, to have ceased to be the rule in this Colony. Gradually the jury usurped the functions of the court, until they at last united almost all the powers of the court with their own powers as judges of the facts. It is true that for many years the men who held the position of judges probably would have been unable to charge the jury as to the law on any particular point, but yet at intervals men who were skilled jurists sat upon the bench of the Colony and State. And yet these men did not depart from the custom which had become so established as almost



to have the force of law. It is stated when Judge Story introduced the practice into the Circuit Court not only of instructing the jury in the law, but also of minutely summing up and commenting on the testimony, pointing out its particular applications, the old lawyers resented it as a presumptuous innovation. The court, however, aside from this, was of much use. It cannot be said because they left to the jury to decide questions of law, which they should have passed upon, that they were figure heads at the trials of causes. They decided upon all questions of evidence, and naturally the evidence which they admitted was that upon which the jury passed. Therefore, they were the real arbiters of the case, ruling in or ruling out the evidence offered upon either side. Again, if the case came up on demurrer, thus raising a question of law as to whether a case was *prima facie* made out on the pleadings, this was for the court to decide. Again, special verdicts in those days were common here as in England. If a jury found the law harder for them than they could solve, they returned a special verdict instead of a general one, either finding the facts to be a certain way and leaving the judgment to be entered on those facts so found to the court, according to the law bearing upon such facts, or they found a verdict in the alternative, for one party if the court should decide the question of law in his favor, for the other side, if in his favor. Where the jury returned a general verdict in a case involving intricate and nice questions of law, the real danger of such a practice became more evident. The custom of the court to grant new trials on the ground that verdicts were against the law or the evidence was infrequent. They would not disturb a verdict rendered by a body that were constituted judges both of law and fact. A party seeking relief was afforded more protection by the Assembly frequently than he could obtain from the court. The trouble was that the court either failed to understand or refused to exercise their undoubted power to set aside verdicts, rendered by a jury, that were against the law or the evidence. The power was as old as the common law jurisdiction of the courts, but unfortunately it had become a tradition of the State, fixed and immovable, to leave all questions in a case to the decision of the jury. In 1827 Judge Eddy, who was a skilled attorney, was elected chief justice, and the same year an act was passed making it the duty of the court to instruct the jury in the law applicable to each of the cases tried before it.

In 1844 the court were further authorized "to sum up the evidence in each cause for the instruction of the jury, whenever they shall deem it advisable so to do".

At the present time the facts that a jury are to render a verdict upon the evidence presented to them and upon the law as stated to them by the court are better understood, as well as the fact that a

verdict rendered by a jury contrary to the law delivered to them, and against the facts presented in evidence, is not a verdict within the meaning of that term. The courts of the present day show no hesitancy in setting aside verdicts of a jury as against either the law or the evidence. As a result, trial courts show greater care in charging juries carefully as to the law, even if the latter show little improvement in judging upon that law or the facts.

The present District Courts occupy the position of the old Town Courts, although they are in no sense their successors. They resemble one another in being local courts, but their jurisdiction is quite distinct. They are rather a result of the development of the old courts of justices of the peace and justice courts. As has been shown in a former portion of this article, the Town Courts represented the spirit of local independence; the desire of the towns to be judged by their own magistrates. They were the opposite of a centralized judiciary.

The following is a copy of the proceedings of a Court of Trials held in Providence in 1648, showing the early proceedings. It will be noted that it is within the period when the system of arbitrators, elsewhere referred to, was in force:

“Court of Tryalls 4th, 10mth 1648

“Adonijah Morrice: contra Edward Manton for breach of covenant.

“Adonijah Morrice ingaged his 12 score Acres of Land that is in providence to maintaine the shuite depending

“Adonijah Morrice, his Arbitrators, Gregory Dexter and Hugh Bewitte

“Whereas Ed: Manton not appearing the Court by vertue of Towne Order did choose for him, his arbitrators Jo Throckmorton & Math: Waller

“Motion was made by the plaintiue that Jo Hazell & Jo Smith might be his pleaders. Granted

“The plaintiues declaration, filed with the Relaton of Mr. Jo Browne and the copy of Sea-Councke Order

“The Testamonye of Wm Harris:

“That the said Wm Harris made the Covenante betweene Robert Morrice deceased and the defendant and that vnto his vnderstanding that said Robert Morrice knewe how the nature and Condition of the said defendants house, lands, rights &c lay and vpon those tearmes & Conditions bought the said purchase, grounded upon Plymouths Order

“That the said Edward Manton defendant gaue vnto the said Robert Morrice possession of the said purchase, that is to say, the defendant brought the said Robert Morrice in his presence vpon the ground where his house stood and delivered him full possession thereof after the manner as Mr. Winslowe delivered possession

vnto the Jnhabitants of Sea Counke that is, a part for the whole which was accepted of by Robert Morrice

"The Arbitrators Verdict		
"The defendant not guiltye		
"The plaintiues bill of Charge		
"Intering the Action	0£	4s
"Serving the Warrant	0£	4s
"filing declaration & Testimony	1£	0
"Serjants Adtendance	1£	0
"For Arbitrators	4£	0
	6£	8s"

The following is an example of an early writ commencing an action in a Town Court:

"Providence, the 9th of the 9th m 52

"These are to give order to you Thomas Wallen Town-Serjeant (Jn the name of the State of England) to arrest the body of John Smith Merchant Jn an Action of the Case in point of Detainor of severall Anchors or quantities of liquors, to the valew of forty pounds; and to keep him in safe Custody or under sufficient bayle to answer the said Action at our Town Court held the 1st second day of the 10th moneth next, weh entred against him by William Almy of Road Jsland hereof ye are not to fayle

"Gre: Dexter Town-Clerke".

The writ differs in but slight respects from that of the present day. It is interesting to follow the travel of this case, selected at random, and to see with what great similarity it pursues the course that would be followed to-day in like circumstances. After service of the writ, surety for costs of prosecuting the suit is given. The record states:

"Providence the 9th of the 9th 52

"An Action of the Case in point of detayner entred against John Smith Merchant by William Almy of Portsmouth to the valew of 40 pounds. Hugh Bewet & Jo Green engaged to see the suit () ro () ecuted or pay the /Charges/".

Next in order comes the declaration:

"Providence the 10th of the 9th m 52

"The Declaration of William Almy of Road-Jsland Plant, against John Smith of Warwicke /merchant/ Defendant in an action of the Case now pending in this Court of Providence:

"Wherein the said William Almy Declareth that the said John Smith together with his Copartner William ffield doth unlawfully detain & keep from the said William Almy & his assignes the quantity of five Ancors and a half of Liquors to the losse and damage of the



said William Almy the sume of forty pounds whereupon the said William Almy is constrained to bring his action & seek reliefe by due course of law.

“By Hugh Bewet Attoarr in the Case”.

All of this is very much what would be done were an action of *detinue* to be brought to-day in the proper court of the State.

How anxious the inhabitants were to preserve their local courts is shown by the directions given to the commissioners from Providence to represent them at the General Court of the Colony to be held at Portsmouth in 1647. The third point of their instructions was: “We desire to have full power and authority to transact all our home affairs, to try all manner of causes or cases and to execute all manner of executions entirely within ourselves excepting such cases and executions as the colony shall be pleased to refer to general trials and executions”, etc.

The authority at first committed to the Town Courts was broad and the jurisdiction large, but it was gradually limited and much of the jurisdiction in minor matters was conferred upon justices of the peace. The jurisdiction of the justices was of two kinds: First, a limited jurisdiction over certain cases, and, second a jurisdiction to bind over to courts of superior jurisdiction. This jurisdiction in the manner described has remained to this day as the jurisdiction of the present District Courts. From the sentence of justices an appeal was given to the higher court sitting with a jury. In the beginning two justices were generally required for a quorum. In civil matters they first received jurisdiction in 1690, two or more justices being then empowered to try actions for debt or trespass, and very shortly after this jurisdiction was extended to cover personal action generally (not involving the title to real estate) to the amount of forty shillings, subject to appeal to the higher courts. In 1743 the amount was changed to five pounds, and in 1753 to ten pounds, and then in 1798 to the sum of twenty dollars. In the year 1763 one or more justices was made a quorum to try actions for not more than forty shillings; in 1784 for not more than six pounds silver, and in 1798 for not exceeding twenty dollars.

In the year 1844 every justice of the peace was given jurisdiction over all suits for twenty dollars or under, the right of appeal from his judgment being preserved. Further authority was conferred upon such justices over offenses punishable by fine of not more than twenty dollars or by imprisonment for not exceeding three months. In 1857 the jurisdictional amount was increased to the sum of fifty dollars. The manner of appointment of these justices of the peace was in two ways. They were elected both by the towns and by the General Assembly. Many are the curious and laughable stories related of these early justices and of their courts; tales not only of two centuries

ago, but of days that can yet be called modern. They were as a rule chosen from among the citizens of the towns who had acquired some little local reputation. Their knowledge of law was necessarily small. Indeed, in most cases it consisted merely of what they had absorbed from years of patient listening to the troubles of litigants and practitioners before their courts. It was a common practice to try out the latent abilities of youthful aspirants for membership at the bar by sending them to practice before the justice courts, and it is probable that some of the astonishing principles of law promulgated by their tribunals are to be laid at the doors of these young disciples of Blackstone.

It is remarkable that such a system should have lasted so long, and been as satisfactory as it must have been to have retained its place for so many years.

At last in the cities and larger towns the cry for reform could no longer be unheeded. In 1845 a Court of Magistrates was established in the city of Providence. It was to consist of seven magistrates, to be annually appointed by the City Council out of the justices of the peace for the city, appointed by the General Assembly or the city, and was given exclusive jurisdiction over such matters both civil and criminal as had been or might be given by law to justices of the peace of other towns. Power was given to these justices to choose their own president and clerk, and four of them were to constitute a quorum. In May, 1846, their number was reduced to three, and two were to constitute a quorum. In the following years similar courts were established for Newport, Woonsocket and Pawtucket. The justices were then chosen by the Assembly instead of by the cities, and they also were paid by the State. This system proved a great improvement on the old plan, and the business of the courts was transacted not only more expeditiously, more cheaply, but much more to the satisfaction of suitors.

In 1867 the system was still further extended by authorizing the Town Councils of the towns where Courts of Magistrates were not established, to appoint from the justices of the peace of their towns, trial justices to hold justice courts exclusively therein, and their civil jurisdiction was increased to one hundred dollars.

In 1872 it was made obligatory upon the towns to appoint such trial justices, and it was further provided that their tenure of office should be extended to the term of three years. This law remained in force until 1886, when the present system of District Courts was established.

The State was divided into twelve judicial districts, the larger cities constituting districts in themselves, while the towns were grouped together to form other districts. These courts are held by a justice chosen by the General Assembly for the term of three years. Most of

the courts have a clerk as well, similarly chosen, but in a few instances the justice acts as clerk. These clerks have power in the absence of the justice to hold court in his stead. In the city of Providence the clerk acts as well as associate justice and hears such cases as are referred to him by the justice. The jurisdiction of these courts in criminal matters is practically that of the old justice courts. In civil matters they have original jurisdiction in all cases where the debt or damage does not exceed the sum of three hundred dollars, and in all cases of trespass and ejectment for tenements let or held at will or sufferance. They have no jurisdiction where title of the close is in dispute. This system has proved most admirable and is a monument to the wisdom of those who established it.

A few words should be said in regard to the Courts of Probate. Their jurisdiction is most important. They come more closely in many ways than any other court to the citizen, and yet they work so quietly and unobtrusively that their proceedings cause little comment and their jurisdiction is little understood by the average person. Holding as they do jurisdiction over all cases of intestacy; admitting wills; appointing guardians of person and estate; passing upon the largest as well as the smallest estates and interests, they perform a work that for importance is not exceeded by the highest court of the State. By the code of 1647 the probate of wills was given to the head officer of each town. There it has remained, with a very few exceptions to this day, exercised by the Town Councils. One of the most curious features of the early system was the act that made it mandatory upon every one having property, to dispose of it by will. Intestacy was abhorred. If a person having property failed to so dispose of it by will, it was made the duty of the head officer of the town, together with the Town Council, to make a will for him, providing for an "equal and just distribution of his estate among those to whom it does belong". This power was exercised freely. The authorized magistrates made the will to suit their own sense of equity, and they gave away the property as they saw fit.

Examples of such *ex post facto* wills are not wanting in the early records. Under date of 1676 the following appears in the records of Providence:

"Providence 27, 10t 1676 (so called This Writing Witnesseth, That, Whereas Resolued Waterman of providence died intestate at Newport on Rode Jland in ye year (so called) 1671; ye Towne Council of providence then in being made a will in ye deceased Roselued Waterman his stead & agreed yt ye Widow Mercy Waterman should enjoy ye howse & howse Lot & the other Lands & Meadows and Cattell for her Maintenance & ye bringing up of ye orphans fwe small children. And whereas Samuel Windsor of providence and Mercy Water-



man ye widow are vnder publication of marriage & ye former Towne Counjll by reason of hinderances did not perfect thejr agreement with such Formalities of Signing Sealing & Recording as js vsual; We the present Towne Councejll judge jt fit and necessary yt We testifie & declare our concurrence & Agrement with ye former Agreement of ye formr Towne Councejll although We are but few by reason of ye Sicknes of Some of us & ye Absence of Some & ye death allso of Some of vs yet notwithstanding We agree with ye former Towne Council as also with ye Wil and Testamnt of ye Grand Fathers Richard Waterman viz yt js to Say yt Richard & Rseolved Waterman shall enjoy betweene them ye Meadowes

at pawtuxet & ye Land & Meadow at Saxifrage with ye Commonage to ye 4 mile line west etc.

"Jtem that ye Executrix widow Waterman shall pay five pound a peece to each of ye daughters Wajt and Mary Waterman when they Come to ye Age of Eighteen

"Arthur ffenner Assistant

"Roger Wjlljams

"Thomas Arnold".

Many other such wills can be found by examining the early records of the various towns of the State. The town as a sort of *parens patriae* distributed the property of its citizens as in its wisdom it should go. Although this power was exercised, it is at least doubtful whether even under the broad powers of the charters there was any authority for it. When it ceased cannot be exactly determined. In the digest of 1705 there is no trace of it. Power to settle the accounts of executors and administrators was not given to Town Councils by the code, but conferred at a later date. Other and increased powers were a matter of growth. In 1721 power was given them to inquire into the misuse of property held in trust for charitable uses; in 1742 power to appoint guardians was given; and in 1748 to determine the settlement of paupers and order their removal to the towns where they should be found to have a legal settlement. After this, power to make partition of estates of persons deceased intestate, to assign dower to widows and to sanction the adoption of children. Gradually the procedure and practice before Probate Courts has become more complex, and as the necessities of the time have required, their jurisdiction has been increased and broadened to meet the new requirements. Many of the most difficult questions that arise in the practice of the law are questions of probate law and practice. And yet this law has been administered for nearly two hundred years by the Town Councils of the various towns, with a few exceptions, by men taken from the ranks of the people. Not only has it been so exercised, but exercised as well to the satisfaction of the people. In the cities special courts have been established to exercise probate jurisdiction. In the city of Providence

this power is exercised by the Municipal Court, consisting of a judge and clerk elected by the City Council annually. The right of appeal from the decisions and rulings of Probate Courts is a safeguard to the rights of the parties, but yet excepting in cases of the probate of wills it is rarely exercised. This speaks much for the sound common sense employed by the Town Councils which have for so many years passed upon the many and intricate questions that are constantly arising. It is to be considered in this connection that probably in many cases, as a matter of strict law, many mistakes are made in the administration of probate law throughout the country towns, but what is sought in such cases is a court that will see that the property of a decedent testate or intestate goes where either the deceased or the law says it shall go. A body that, acquainted with the deceased, with an intimate knowledge of his affairs and his family and life, will see that justice is done; that no fraud is perpetrated, and that the estate is honestly administered. This is what is sought and what is obtained, and the fact that it is satisfactory is shown by the further fact that when, some years since, a movement arose to establish special courts in the various towns of the State, it was strenuously opposed by the towns themselves.

Before closing this short mention of the Probate Courts of the State mention must be made of a very curious will that is to be found among the records of the Municipal Court of Providence. The testator had been unsuccessful in some previous litigation. Whatever his contempt for the court and jury may have been in his lifetime, he probably found it wiser to remain silent, but in his will he placed upon record, where it remains to be read of all, his opinion of the court that administered justice in his day. The will speaks better than any extended comment can:

“I, John Martin of Providence in the county of Providence and state of Rhode Island, in the 71st year of his age, born September 9, 1762 being of sound mind and memory thanks be to God, and calling to mind the mortality of my body and the immortality of the soul, do therefore make this my last will and testament in manner following.

“First and principally I commit my soul into the hands of Him who gave it, and my body to the earth. Cursed is he who parts man and wife! And to entail this curse upon the state of Rhode Island and their judiciary for subjecting me to pay unjustly a reward of \$500 offered for the recovery of stolen money (I ever had a fond desire that I and my wife when dead might be interred side by side) the ill treatment I have received caused me to promise my body should not be interred in the state. Therefore my beloved wife and I must be separated here and maybe separated hereafter. Should this be the case I shall ascribe my ruin to the state of Rhode Island. It is my will not to be located in another world either with court or jury and

should I die in the state of Rhode Island I hereby direct my executor to cause my body to be carried to Woodstock in the state of Connecticut there to be buried in a christianlike manner by the side of my honored father and grave stones of the first rate Braintree slate to be set up in memory of the grantor”.

In speaking of the lawyers who have added luster to the name of this bar and State, it is to be regretted that the limitations imposed upon the length of this work will prevent but the most passing mention. Many who are entitled to mention must be omitted, while those who are famous even beyond the limits of the State can receive but a word. It is to be noted, however, in passing, the great change that has taken place in the relation of the bar to the State at large, and especially to each other. But fifty years ago there were probably not over fifty practicing attorneys in Providence county. There are now fivefold that number. In those days the bar was not too numerous to constitute a true fraternity. As said by Judge Durfee in an address delivered at the dedication of the present court house: “Its members met often in social and professional intercourse, and they met always as familiar friends. To-day many members of the bar are strangers to each other. They meet too seldom; there are too many of them; they are too segregated in pursuit to feel the bond of professional fellowship. Hence they are losing their *esprit de corps*; forgetting the traditions of their order and ceasing to have any common sentiment of professional honor or any common criterion of professional merit. This is to be regretted. The tone of the bar suffers in consequence. The tendency is to degrade the profession to the level of a trade and to obscure the idea of its public and quasi-official character”. These wise words cannot be too much laid to heart by the bar of this and other States in this age when things are moving at high pressure. Only by holding to the old ideals of the profession can it be saved from the dangers to which in many ways it appears to be surrounded. That it has in the larger cities sunk to the level of a trade, as suggested by Judge Durfee twenty-five years ago, the past quarter of a century has proved. Fortunately in Rhode Island as yet this is not true to any extent.

It is to be regretted that so little is known not only of the personalities but also of the characteristics and habits of these early members of the bar of this State. In fact, prior to the Revolution there is hardly any record that throws light upon this subject. And yet it cannot be doubted that there were many men, from the early days of the Colony down to a period subsequent to the establishment of a regular system of courts, who were learned in the science of the law. The code of 1647, unknown as its author is, shows that at that date there was in the Colony at least one, perhaps several, who were not only versed in the common law, but had a remarkable grasp of the



principles of constitutional law and the science of government. A writer upon this subjects remarks: "Natural geniuses existed then as well as now, and like brilliant meteors they dazzled, delighted and died. Probably more native talent went into the profession at that early period than now, in proportion to numbers; for native power and strength of intellect were then more necessary to sustain the advocate. He was not assisted by other sciences, as the profession is at this period; nor could he be helped along by reports and authorities as lawyers are at the present time. It must be apparent that much that was then unknown to the student can now be gleaned from reported arguments and from the opinions of learned courts, besides the vast number of elementary writings and other productions discussing all questions and collating all authorities which are poured upon the profession through the cheapness of the press. The labor of thinking and of mental origination is greatly diminished by the rich productions emanating from learned brethren, emulous of fame. Before the Revolution, 'Coke upon Littleton', 'Doctor and Student', 'Salkeld's' and 'Strange's Reports' and 'Cowell's' and 'Jacob's' law dictionaries were the principal authorities that were used. The lawyer's library, like Petrarch's, could be transported in his saddle-bags. The most eminent and successful in the profession relied more upon intense mental application than upon books and precedents. They habituated themselves to the most rigid study and thought deep and long upon particular cases. Those who were gifted with strong native intellects, with nerve and constitution enough to bear up against such labor, succeeded, and those who were deficient in these sturdy attributes, flagged on the course.

"The mode of arguing cases then partook much more of the narrative character than at the present day. The advocate before a jury gave minutely the history of the case and the character of the parties, and freely used familiar anecdote and popular illustration.

"Appeals to the passions of the triors were the most powerful engines of success. When satire or anger was kindled against an adversary, it was a consuming fire. If a client had been unfortunate or oppressed, the chord of sympathy was touched to tears. The principal business of the court was to see fair play between the legal gladiators, and the judges who sat to listen, rather than direct, esteemed themselves fortunate if by their silence they escaped unwounded in the conflict. But it must be borne in mind that except in cases when circumstances called out such sturdy efforts the manners of the bar of that day were highly dignified and courteous."

It is related of Henry Bull, one of the ancient attorney-generals of the State, that when he made up his mind to study law, he went into the garden to exercise his talents in addressing the court and jury. He then selected five cabbages in one row for judges, and twelve in an-

other row for jurors; after trying his hand there a while, he went boldly into court and took upon himself the duties of an advocate, and a little observation and experience there convinced him that the same cabbages were in the court house which he thought he had left in the garden, five in one row and twelve in another. He afterwards occupied the position of chief justice himself in the Court of Common Pleas upon its first establishment in 1749.

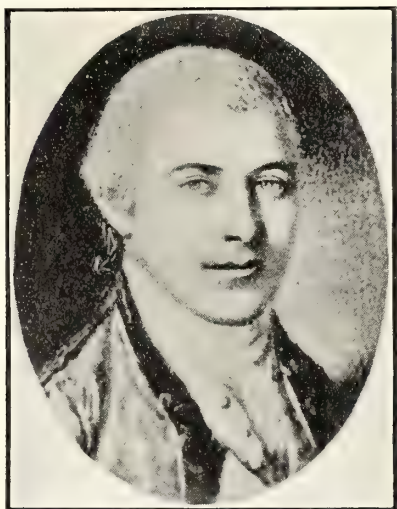
Among the early members of the bar, tradition has preserved the name of Oliver Arnold as an advocate of unusual ability. With whom he studied his profession or in what year he was admitted to the bar is unknown. That he possessed a strong, elastic mind with much early professional talent is shown by the following anecdote, related by Levi Lincoln. "When at the bar", said Lincoln, "a cause of considerable interest was intrusted to me; and on retainer, I was informed by my client, that I should be opposed only by a young man, by the name of Arnold, from Glocester, R. I. Not expecting much display of talent from any one in that region, I was slovenly prepared for arguing the case; nor was my caution increased by the appearance of my antagonist—a tall, green-looking youth, who, awkwardly seating himself at the bar, impressed me that I had nothing but a stripling to contend with. I made my speech with very little expectation of being answered, and conducted my argument throughout with less skill and arrangement than usual, and awaited the reply of my youthful opponent. But what was my amazement to see him rise with the most perfect self-possession and state his defense and argue his cause with an ability that would have done honor to Temple bar. He went on, calmly leading the reason of the jury and audience captive and leaving myself in the background as far as I confidently expected to have left him". The manner of Mr. Arnold was graceful and easy. He was a severe student and was master of the few books that constituted a lawyer's library at that period.

He was remarkable for the great retentiveness of his memory. What he once learned he is said never to have forgotten, and he could repeat his authorities verbatim. He once repeated several passages to fortify the position he had assumed in the argument of a cause, the correctness of which was strenuously denied and as positively reasserted. The court for the due settlement of the controverted question desired that the authorities might be produced. The demand was acceded to and the quotation proved to be correct to the letter. So effectually could he abstract his mind that he could study "Coke on Littleton" by the family fireside or in a tavern bar room with perfect composure. His character has been handed down as a lawyer of candor, probity and great uprightness. When engaged in a cause which his conscience approved, nothing could turn him in his course or stay his exertion. The general impression of the probity of his char-

acter obtained for him with court and jury an influence that carried great weight. He died at the early age of thirty-five years, while attending court in Washington county.

Among the most illustrious names in the early annals of the bar of this State is that of James Mitchell Varnum. After graduating from Brown University he entered the office of Oliver Arnold in Providence, then attorney-general of the Colony, and was admitted to the bar in 1771. He settled at East Greenwich, where his talents early acquired for him an extensive practice. After serving with distinguished honor throughout the Revolution, he resumed the practice of law at his home in East Greenwich upon the close of the war. At that period great and important cases arose growing out of the new position in which the State and Nation were placed. The case of *Trevett v. Weeden*, which has been referred to at length in a former portion of this paper, was one of these. Varnum appeared in this case, not as a lawyer mechanically discharging a legal obligation to his client, but as the representative of an oppressed people at an ominous crisis. The arguments which he employed to enforce his premises were then, are now, and ever will be as sound in doctrine as they are eloquent in expression. It was eulogium enough upon Varnum that the power of his speeches in this case and before the Assembly wrought such a triumphant victory over public opinion, that the dominant party, to save themselves from political prostration, were compelled to repeal their arbitrary and unconstitutional acts within sixty days from the time of their passage.

Varnum was described by a contemporary, upon his appearance at a celebrated trial, as follows: "On the other hand, appeared General Varnum, with his brick-colored coat, trimmed with gold lace, buckskin small clothes, with gold lace knee bands, silk stockings and boots, with a high, delicate forehead, with a cowlick on the right side, eyes prominent and of a dark hue, his complexion rather florid. Somewhat corpulent, well proportioned, and finely formed for strength and agility, large eyebrows, nose straight and rather broad, teeth perfectly white, a profuse head of hair, short on the forehead, turned up some and



GEN. JAMES MITCHELL VARNUM.



deeply powdered and clubbed. When he took off his cocked hat he would lightly brush up his hair forward; with a fascinating smile lighting up his countenance, he took his seat in court opposite to his opponent''.

Varnum was a warm and unwavering advocate for a Federal constitution; he knew the inefficiency of the confederation and the selfish considerations that governed the States. The legal profession, with Varnum at its head, urged the Legislature of Rhode Island, at their June session, 1787, in the strongest terms to send delegates to the Federal convention assembled at Philadelphia, but the measure was defeated. Varnum was appointed one of the judges of the newly established Northwest Territory in 1787, and died shortly after his arrival there. He possessed in a rare degree the power of great mental abstraction. He was master of his cases and all the facts were well arranged and digested for trial. He once told a friend that he studied his cases in bed and often had his books brought to him. He was a fine scholar and profound lawyer, but it was as a brilliant orator that he excelled.

Matthew Robinson, who studied law and established an office in Newport about forty years before the Revolution, was one of the best read of the earlier lawyers of the pre-revolutionary period. He removed to Narragansett about 1750 and became the owner of a large estate and mansion house. He was deeply and critically read in the old and intricate doctrine of estates. His library was large and well selected in law, history and poetry; probably the largest possessed by any one in this State at that day. He was a great antiquarian himself and embraced in his character the elements of great curiosity, inquisitiveness and research. He prided himself upon his critical knowledge of English history, and every circumstance relative to the settlement of America, and particularly of Rhode Island. He was a great student to the end of his life. He had treasured up a great mass of queer and comparatively useless knowledge, unserviceable for human life.

He enjoyed a great share of practice and was generally engaged in all the causes in the courts. He was opposed to the Revolution in principle, but was neutral in action. He felt himself conscientiously bound by the oath of allegiance and questioned the sufficiency of the causes of separation. He had lived quietly under the government for seventy years. He feared that the country was not ripe for the change and doubted its success. His constitution was nervous, his disposition irritable and naturally impatient of contradiction. He had been provoked by some one into some hasty, imprudent and sarcastic remarks upon the character of the contest, which, coming to the knowledge of the Legislature, was the means of his incarceration in the Kings county jail, but he was shortly released upon his parole to restrain

himself in his own house. In the latter part of his life he became so infirm that he was employed but occasionally. He died at the age of eighty-six years.

Coming down to a less remote period, the following graphic description of an attorney's office in the year 1840 is offered as probably a faithful description of the average office of that time; in some respects, doubtless, if anything it was superior. The office in question was that of Gen. Thomas F. Carpenter, at that period one of the leading members of the bar.

The office of General Carpenter was a single large room up one flight of stairs, in the building at the junction of Westminster and Weybosset streets, known as Turk's Head. The room was uncarpeted; it contained a moderate book case with a small collection of law books, an old-fashioned desk and a very limited supply of pigeonholes, a large table covered with green baize cloth, an old-fashioned cylinder stove, a few common chairs and a wooden settee. At one end of the room was a coal bin and there was a small safe.

Of General Carpenter himself, his old student, in writing of the time when he sat in his office as a young man seeking the opportunity of entering the office, says: "He came in and laying down his green satchel upon the table, greeted me with much dignity and courtesy, and asking me to be seated, commenced conversation by explaining to me that a lawyer should make himself familiar with the Bible, and taking the book, read some passages in confirmation of this advice". General Carpenter is described as of middle height, with a very large head, and uniformly wearing a blue coat with brass buttons, black pantaloons, black satin vest, ruffled shirt and black cravat. His manners were dignified and affable. When appearing before the courts he was a model of dignity and deference to the tribunal.

It is said that he rarely looked at a law book, and yet he was a remarkably good lawyer. His clients were mostly from the country towns. He had little office business. He spent little time at his desk, being occupied mostly in the trial of his cases in the courts. He was at his best when engaged in the trial of a cause; he knew exactly what to say to a Rhode Island jury and a Rhode Island court, and as a result he rarely failed to obtain the verdict of the jury.

At the period now referred to John Whipple was the leader of the bar in the State. He had obtained his position in contests with such men as Tristram Burges and Daniel Webster in the State courts and the courts of the United States. Mr. Webster is reported as stating that John Whipple and Jeremiah Mason were the two ablest opponents he had ever met at the bar. Mr. Whipple belonged to that class of lawyers who rarely take notes of the testimony produced during the hearing of a case. It is related that on one occasion a client, who feared that the attorney was not paying sufficient attention to the

testimony which was being introduced, spoke to him, and failing to elicit any reply, asked: "Mr. Whipple, how much do you intend to charge me for the trial of this case?" "I don't know", replied Mr. Whipple, "I am building a boat and when I get the bills in and find out what it costs, I will let you know the amount of my fee". In one case before the United States Court Judge Story called him to the bench as he arose to make his argument for the State which he represented at that time, and whispered something in his ear. \* After listening to the remarks of the court, he turned to the jury and commenced his argument by saying: "Gentlemen of the jury, I had intended to present to you my view of the case, but the judge tells me that he wants to leave by the next train, and that he will take care of the cause of the State. I shall therefore be brief". It is further stated that the judge did take care of the State.

John H. Weeden, a practitioner before the courts at this time, is described as a man of habitually neat apparel, of deliberate step, and a remarkable characteristic for a lawyer, a man whose papers were always neatly and legibly written. He was a lawyer of the old-fashioned school, industrious, honest and faithful. The following anecdote has been much quoted. He had prepared an elaborate brief in a case and as he rose to address the court the chief justice remarked: "Mr. Weeden, we have considered this question and made up our minds about it". "I have prepared a brief", said Mr. Weeden, "which I should like to submit to the court with some remarks". "We don't want to hear you", shortly answered the chief justice. "Then", said Mr. Weeden, "I have no desire to be heard". After this discussion he summed the matter up by saying that he intended during the remainder of his life to take things easy, for when the court was with you, there was no need of saying anything, and when they were against you, there was still less.

One of the greatest of Rhode Island orators among members of the bar, as well as a man whose reputation was of national extent, was Tristram Burges. This portion of the history of the State is not the place to sketch his life or to tell of his services to the State or Nation. Aside from his matchless eloquence he possessed a force that in argument or debate swept all before him. Rhode Island owed much of its reputation in the halls of Congress to the ability and personality of Mr. Burges. As an orator his style was ornate and in the highest degree rhetorical.

The name of Thomas A. Jenckes is properly associated, as far as relates to eminence at the bar with its predecessor. Both as a lawyer and a jurist Mr. Jenckes was a great man. It is related of him that while engaged in the study of the law he wrote to a friend in a desponding mood, expressing a doubt whether he would ever be able to master the difficult science of the law. He was admitted to the bar in



1840, and early found himself in the possession of a large professional business. Thenceforth he was engaged in the most important litigation in the State, and was to be found upon one or the other side of almost every case involving any point of importance to the manufacturing or social life of the State. He had a large practice in patent cases and soon attained a very high reputation among the patent lawyers of the country. For this class of cases he was well equipped, being a good mechanic, mathematician and chemist, and his subtle and powerful intellect was attracted by what Judge Story called the metaphysical questions of patent law. He was the private secretary of the council that surrounded the governor in the Dorr troubles, and one of the secretaries of the convention that framed the present constitution of the State. In 1863 he was elected to Congress. He entered the House of Representatives with a great reputation, to which he added much during his term of service. He took charge of the bankrupt act and secured its passage. In the committee on patents he performed much labor and rendered important service. His knowledge was varied, accurate and minute. His knowledge of books covered all classes. In all ways he was one of the representative members of the bar and of the State.

No mention of early lawyers would be complete that did not include the name of Joseph M. Blake. Mr. Blake was born in Northfield, Massachusetts, on July 13, 1809, and died in Bristol on November 8, 1879. Mr. Blake succeeded the late Albert C. Greene as attorney-general of the State. The latter had held the office for eighteen years, and when his successor took up the duties of the position some doubt was expressed as to whether he would be able to fulfill them. This doubt was soon dispelled. Mr. Blake had genuine dramatic power. His attitudes, the tone of his voice, and every incident in the case were all carefully regulated by him. From the beginning to the end of the trial he was the central figure. One instance of this was shown in the trial of a case at Newport. Mr. Blake's client had brought suit against an insurance company. There were strong equities in his favor, but there were some technical difficulties in the way. Mr. Blake perceived early in the trial that the court was against him so far as the law of the case was concerned, and he got into a controversy with the court in the course of which the magistrate lost his temper. When he came to his argument Mr. Blake made no allusion to the adverse rulings of the court, but dwelt at great length upon the prerogatives of Rhode Island juries and their right to take the decision of cases into their own hands. He made some very complimentary remarks about the court, in the course of which he took pains to inform the jury that the judge came from another State and was, perhaps, not fully imbued with Rhode Island ideas of justice and equity. This line of argument in-

flamed the temper of the court, and in his charge he ruled strongly against the plaintiff. The jury returned a verdict for the plaintiff, nevertheless, and the foreman was heard to say as he left the court room: "We will teach that New Hampshire judge that he can't tell Rhode Island juries what kind of a verdict to render". He was accustomed to make long arguments before a jury, and had been heard to say that he never meant to stop until he saw that all the jury were with him, or he saw that some were dead set against him. This rule is certainly a valuable one to follow at the present day, but imposes rather too much of a trial upon the patience of the court. It may be that such arguments as these were the cause of the adoption of the present rule limiting counsel in their arguments to the jury. At least Mr. Blake felt the effect of the rule and resented it. When he was about to commence his argument in a case he was reminded of the adoption of the two-hour rule relating to arguments. He paid no attention to the remark, and when the chief justice said, "Mr. Blake, your time is up", the latter said with an air of astonishment, "What time does your honor refer to?" "The new rule", said the court. "Is that rule published anywhere?" said Mr. Blake, in a tone of earnest inquiry. "Not that I know of", said the chief justice. "Then", said Mr. Blake, quoting the great historian, "miserable is the condition of the people where the laws are not promulgated". He was allowed a dispensation and went on with his argument. On another occasion he was pressing a point upon the attention of the court that had been previously decided, when the judge said: "Mr. Blake, take your seat". Rising to his full height, Mr. Blake said: "I shall not do it. Your honor has the right to forbid me to speak, but you have no right to dictate the position that I shall occupy in the court room". A consultation with Mr. Blake was a legal education. His memory was a vise which held the minutest circumstance connected with the case in its grasp. If a question of law was under discussion he showed an entire mastery of its principles, and he could cite the case in which the point had been decided, giving the name of the judge who pronounced the decision and frequently the page of the volume in which the case was reported.

An article upon the judicial history of Rhode Island would hardly be complete without a reference to some of the noted trials which from time to time have occupied the attention of the courts of the Colony and State, and have become a part of the history of the State. Many of them are extremely curious, bringing out to light the peculiarities of early procedure, the eccentricities of court and bar, and the habits of early litigants, as no other account, however detailed or painstaking, can do. Others are noteworthy from the strange circumstances attending them. The space allotted to this paper will not permit of any extended notice and we shall speak of but few, taken from the records

of the past two centuries. The trial of Thomas Carter for the murder of William Jackson, in 1751, was long remembered, owing to the tragic circumstances which attended it. At this time crimes of the enormity of the one in question were rare. This one awakened the sympathy of the whole continent and even reached the mother country. Carter owned a vessel, of which he was master, and sailed from Newport, where he resided, to New York. He was wrecked on Long Island and lost all, and borrowed money to defray the expenses of his return. He landed on the Connecticut shore, and on his journey home, on foot, he fell into company with one Jackson, a Virginian, bound to Newport, driving a horse laden with dressed deer skins, for sale, the proceeds to be invested in Narragansett horses for the home market. He was dressed in wash-leather small clothes, snuff colored jacket and red duffel overcoat, a saw-backed hanger at his side, and a watch with a green ribbon for a chain. Both being destined for the same place, they traveled together, passing New London late at night. On the 31st of December they arrived at South Kingstown and stopped at a tavern. The next morning Carter complained of indisposition and did not rise until noon. In the mean time Jackson was anxious to depart, that they might reach Newport before night. Unsuspicious of Carter's intention, Jackson delayed his departure at his solicitation, procured Nash the keeper of the hostelry to shave him and cut his hair. At the time Nash's wife observed a particular black spot differing from the other hair, and saw some linen marked W. J., and at Jackson's request sewed some buttons on his overcoat with untwisted thread. He showed a bag of money weighing five or six pounds. In the afternoon they left. Carter procrastinated the journey by stopping at every shop and tavern on the way and calling for liquor freely, until evening, assuring Jackson that there was time enough to reach the ferry and take the earliest boat for Newport in the morning. When passing a hill prior to reaching the ferry, Carter stated that it was too late to reach the ferry before all were abed and no admission could be obtained, and persuaded him to remain in an untenanted house by the road, Jackson still being unsuspicious of any evil intention. But the loneliness of the deserted house inspired him with uneasiness, and he began to reflect upon the circumstances which had passed, and complained to Carter that all things did not appear right, that he could not sleep and insisted upon proceeding. Carter tried to dissipate his fears, but without avail. He insisted upon proceeding, and when they left the house Carter struck him with a stone and felled him to the ground. Jackson begged for life, but Carter seized his hanger and dispatched him. After rifling him he took the dead body on his shoulder and carried it a mile and deposited it under the ice in the southern arm of the Petasquamscut River, and in cutting the hole he broke the hanger. On his return he concealed the great coat in the wall, covered with



snow all appearances of the murder, and proceeded to Newport with the plunder. He slept at the ferry house the remainder of the night, but fearing some evidences of the deed might be seen, he early in the morning returned. On his arrival a hunter by the name of Hazzard, being on an excursion, was near the spot. The dogs scented the blood and yelled furiously. Hazzard inquired of the stranger what blood that could be. Carter replied that it must be blood of some deer. Hazzard said there were no deer in that part of the country. Carter became enraged and ordered him to call off his dogs and pursue his course or he would meet with trouble. Hazzard, being afraid of the man from his appearance, did so. Carter returned to the ferry, made some idle excuse for his absence, exhibited great uneasiness and hurried to Newport. Although he had time to escape, he was the earliest every morning at the ferry wharf to inquire, "What news from Narragansett?" On the 22d of February, about seven weeks after the murder, the body was found by some fishermen; yet Carter had never attempted to fly. On the 23d he was arrested, and some of the deer skins, watch chain and linen marked W. J. were found in his possession. He was examined, but denied all the circumstances, was committed and tried in April, 1751. Twenty-seven witnesses were examined against him, which elicited all the facts before stated. Conscious of his guilt and expecting to be convicted, he had prepared his mind for the verdict and heard it pronounced without apparent emotion; not even a muscle moved. But the additional sentence changed the whole scene. It was then the law that if the criminal was guilty of an aggravated homicide, or one without palliating circumstances, the court might add to the ordinary sentence that the body should be hung in chains. For this he was not prepared, and when it was announced from the bench he lost all self-possession, became entirely unnerved and cried out for mercy, exclaiming that it was entirely too hard. He was executed May, 1751, and his body was suspended from an iron frame.

Another of the celebrated early trials was that of Thomas Cornell for the murder of his mother. The Cornell family was well known. In February, 1673, Thomas Cornell was living on his farm at Portsmouth. His family consisted of himself, his wife, two sons, his mother, seventy-three years of age, and two laborers. The mother had a room to herself, with fire and bed, with an outer and inner door. On February 8, 1673, she was found dead on the floor in her rooms, with her clothes a good deal burned and her body scorched by fire. A coroner's jury, which was forthwith empaneled, rendered a verdict on the testimony of Thomas Cornell and his hired man that she came "to her untimely death by an unhappy accident of fire as she sat in her room".

Subsequently, an examination of the body having led to the dis-

covery of a wound on the upper part of the stomach, the jury was again empaneled and gave verdict that she came to her death by the fire and the wound, but incriminated nobody. The public mind was still, however, occupied with the mystery. Stories of trouble between the mother and her son got afloat. The magistrates took up the inquiry and prosecuted it. Thomas Cornell was arrested and bound over to the Superior Court. He was indicted there, and on May 12, 1673, he was tried and convicted, and the same day sentenced to be hanged on May 23, 1673, and in the mean time it was ordered that he should be kept manacled and securely fastened to the great chain and that a strict watch, consisting of four by day and eight by night, should be maintained about the jail. On the appointed day he was executed. He died making no confession. In the short interval between the sentence and its execution a singular thing occurred, namely, a petition to the General Assembly, presented by his friends in his behalf, for leave to be buried by his mother. Doubtless he meant to have the petition regarded as a solemn protestation of innocence; for it is abhorrent to nature for a murderer to desire to be buried beside his victim. The Assembly denied the request, but as a favor to him, granted his friends permission to bury him on his farm, provided that he should be buried within twenty feet of the common road and that the Colony be at liberty to set up a monument on his grave, the interment otherwise to be under or near the gallows. This was in keeping with the object at that time sought of making the offender an example to the community, not only by his ignominious death, but by keeping his body, either hung in chains or interred in a public place, a constant reminder of his crime and the expiation paid by the offender to the community. After his death the Assembly voted to release his estate from seizure, empowering the Town Council of Portsmouth to take and apply it to the payment of his debts and for the relief of his wife and children.

But, after all, a lingering doubt seems to have haunted and troubled the public mind, for immediately after the execution the Assembly passed a vote ordering the recorder to record the proceedings and testimonies in the book of trials, where they remain to be read to this day. Apparently, however, the testimony recorded is not the testimony given orally at the trial, but rather the examinations and affidavits taken at the inquest and by the committing magistrates. The purport of the testimony was as follows: On February 8, 1673, late in the afternoon, Thomas Cornell spent an hour and a half alone with his mother, in her own room. According to his account he spent the time in conversation. He came out into the adjoining room and began to wind a quill of yarn, and after winding about half a quill was summoned to supper. At the close of the meal his wife sent his son Edward to ask his grandmother if she would have some milk boiled for

supper. The child went, and seeing fire in the room on the floor, came running back for a candle, giving the alarm. Immediately the hired man ran into the room, followed by the boy with the candle, and then by Thomas Cornell and his wife. When the man entered the room he saw the fire on the floor, and stooping down raked it with his hands. He likewise saw a human body lying on the floor, and in the faint light emitted by the candle supposed it to be an Indian, drunk and burned, and took it by the arm and spoke to it in the Indian tongue. At that instant Thomas Cornell coming up behind the boy with the light, saw and exclaimed: "Oh, Lord, it is my mother". The body was lying on the left side, the back to the bed and the face toward the window. The clothing of the body had been partly woolen, partly cotton; the woolen is reported to have been burned, the cotton left. There was no fire about the bed, but the curtains and valence were burned. The outer door was observed to be fastened. The wife of Thomas Cornell testified that when they entered the room a large dog was there, which leaped out over her son; but this singular occurrence does not seem to have attracted the attention of any other witness, and it is not credible that it could have happened. The hypothesis suggested by Thomas Cornell to account for the accident was that his mother's clothes took fire from a coal falling from her pipe as she sat smoking in her chair. It does not appear, however, that any pipe or pieces of pipe were found on the floor, and it is difficult to believe if a coal fell from her pipe and set her clothes afire that she would have burned to death without crying for help loud enough to attract attention. Moreover, how did the fire get extinguished in the curtains and valence, if it was set by accident? But, on the other hand, it seems scarcely credible that Thomas Cornell, after killing his mother, would have imperiled his house by setting fire to her garments and leaving them to burn unwatched. The hired men relate two suspicious occurrences which happened at the time of the tragedy. They say that one or both of the children were generally with their grandmother in the evening, but that this evening neither of them visited her room. And they say that the grandmother when well usually took her meals with the family, but that this evening she was not even sent for as at other times. Her absence was so unusual that one of them asked the cause of it, and was told by Thomas Cornell that it was because they had nothing for supper but salt mackerel, which she could not eat; it made her so thirsty in the night. But the witness stated that she used to be called at other times when they had mackerel. There was also testimony going to show that she had a claim for rent against her son Thomas, which she had vainly tried to get him to pay, and that sharp and rankling words had passed between them. It was likewise in proof that she had been treated with neglect and indignity; had been vaguely threatened by her son, and forced to perform unseemly services, and that she had been heard to say that



she intended to go in the spring to live with her son Samuel, but feared she would be made away with before that time. Once she had even been heard to hint at suicide. And finally, a witness, who visited Thomas Cornell in jail in company with his wife, testified that wife and husband conversed apart and that she overheard one say to the other: "If you will keep my secret I will keep yours". Taking all the testimony together, there will ever remain a doubt as to whether the verdict was correct or not. One of the affidavits preserved in the record is as follows:

"John Briggs of the town of Portsmouth, aged sixty-four years or thereabouts, being according to law engaged before the council, testified: That on the 12th day of this instant month, February, in the night as this deponent lay in his bed, he being in a dream of Mrs. Rebecca Cornell, deceased, and being between sleeping and waking as he thought, he felt something heave up the bed-clothes twice, and thought somebody had been coming to bed to him; whereupon he awaked and turned himself about in his bed, and being turned he perceived a light in the room, like the dawning of the day, and plainly saw the shape and appearance of a woman standing by his bed-side, whereat he was much frightened and cried out, 'In the name of God, what art thou?' The apparition answered, 'I am thy sister Cornell', and twice said, 'See how I am burnt with fire'. And she plainly appeared unto him to be very much burnt about the shoulders, face and head".

Whether this affidavit had any weight with the judges is uncertain, but in the light of the evidence that was subsequently received in the witchcraft cases, it would not be improbable that it may have had.

A case tried in 1801, that excited a great deal of interest at the time, was that of *Dorrance v. Fenner*, for slander and libel. A history of the case cannot be given here, but the facts are reported at length in Judge Durfee's *Gleanings*. The plaintiff was a judge of the Court of Common Pleas, the defendant, the governor of the State. Hence the case had largely a political bearing. The case is valuable as throwing light upon the conduct of trials at that date. It is reported anonymously, as carefully compiled from notes correctly taken by several gentlemen who were present during the whole course of the trial, and yet a perusal of the report cannot but suggest that the author may have been unduly prejudiced against the court. Still, without question, the report in the main is accurate.

In the empaneling of the jury the counsel for the defendant objected to one of the talesmen and took occasion to remark that a juror in any cause "ought to sit neat and clean as a sheet of blank paper". The chief justice in passing upon the eligibility of the juror said that, owing to the great public anxiety over the case, he was desirous of having suitable men for jurors, and that in the selection of the panel

he should not strictly confine himself to any rigid maxims of law, any precise principles stated in the books, the common customs of the country or the former practice of the court, but should endeavor by every means to empanel a jury wholly free from interest and prejudice to the parties. An amusing feature of the trial, certainly extraordinary under modern practice, occurred when, upon a question of the admissibility of evidence, the defendant arose in person and declared to the court that his principal object in the trial was to have every fact and every possible circumstance brought up to public view, in order that the public might fairly judge of his conduct. He wished the multitude of spectators, who crowded the galleries and floor of the house, would harken to his public declaration and direct their attention to the trial that they might be fully informed of the merits of the cause. He wished that every public transaction of his life might be proclaimed to the world and that every deed, whether moral or political, public or private, might be without reserve submitted to the inquiry and scrutiny of the public. He again implored the attention of all those within the sound of his voice and solemnly submitted the cause to their candor, their judgment and feelings.

Whereupon the chief justice, after privately conferring with the court, said: "It is the opinion of the court that the witness tell all he knows". Almost immediately another controversy arose over the evidence, and in the course of the argument counsel quoted an authority to establish the position they contended for.

The chief justice, after some considerable consultation in private, declared: "It is the opinion of the court that the witness go on and tell all he knows". The plaintiff's counsel then desired the court to give a regular decision upon the motion before them. They observed that the motion involved a principle of the highest importance, as regarded the rules of evidence; and that the disposal of the present question would create and establish a precedent that must govern in like circumstances thereafter. The defendant's counsel insisted that the witness be allowed to proceed in his testimony without any further interruption.

The court again whispered for some length of time and the chief justice again repeated: "It is the opinion of the court that the witness go on and tell all he knows". The plaintiff's counsel again asked the court if no formal decision was to be given on the motion. To which inquiry the court made no answer.

On Saturday evening, being the fourth day of the trial, the arguments were closed, and the cause committed to the jury. About nine o'clock the same evening the jury retired to their room. They remained there without agreeing upon a verdict till after the court was opened on the following Monday morning, when they appeared and informed the court that there was no possibility of their ever agreeing,

and requested the court to receive the papers of the case. The chief justice refused to take the papers. He was of the opinion that their disagreement was owing chiefly to an unaccommodating party spirit which they ought to endeavor to subdue. He ordered them to retire a second time, which they did, and about three or four o'clock the same afternoon returned and informed the clerk that they had signed a verdict. The clerk took the verdict and read it aloud in the following words: "We find for the defendant his cost". The counsel for the defendant then requested the clerk to enter the verdict according to the two issues joined, and asked the plaintiff's counsel if they had any objection. They were answered that the verdict was expected to be entered according to the intention of the jury. Whereupon several of the jurors declared to the court that they did not intend to find the truth of the defendant's plea in bar to the eight first counts, and that they believed the plaintiff entirely innocent of the facts charged against him in the plea.

The foreman told the court that the whole jury had uniformly expressed the same opinion. While this conversation was passing the defendant's attorney had drawn the form of a verdict to be entered, which was nearly in these words: "We find for the defendant upon the first issue. We also find for the defendant upon the second issue with cost".

The court ordered the clerk to enter the verdict. The clerk was at a loss to know how to make the entry and applied to the court for their instructions. The chief justice said: "Write the verdict in the common manner. I don't know what else to say". Another controversy arose between counsel when the plaintiff's counsel desired the jury to inform the court what they meant to find in their verdict. Upon this the chief justice said: "The jurors ought to be dismissed, because they've been shut up so long and haven't had no refreshment, that they can't stand it any longer. The court can do about the verdict, I guess". Several of the jurors did not seem willing that the jury should leave the stand till the verdict was decided. One of them begged the attention of the court and told them that he meant to find for the defendant only on the last eight counts, and offered to give his reasons for signing the verdict in the manner he did. The court was again applied to to decide the form of entering the verdict. The chief justice said: "Write it as you commonly do. I don't know what else to say". The clerk finally entered the verdict in his minute book in the words of the jury, and then asked the jury if that was their verdict, upon which one of them rose and said: "No, it is not my opinion. I meant to find for the defendant only on the last eight counts". He was proceeding further, when two or three other jurors rose to make explanation also. The chief justice, however, stopped them and told them that they were dismissed and must immediately



retire. The counsel for the plaintiff asked the court if the verdict was at all events to be recorded in its present situation. The chief justice said: "Why, the jurors has all signed it, and I can't see why 'tisin't a good verdict. I am willing tho', and I suppose the court is, to hear all that can be said upon it. What have ye got to say for yourself, Mr. Burrill?"

The latter told the court that he objected to the verdict being recorded, as the jury, when solemnly called upon according to the practice and usage of that court, had declared it not to be their verdict, and that it was totally against their intentions. The chief justice interrupted and said: "Speak louder, Mr. Burrill; I'm some deaf and it's like I've not heard all's been said. The court has a mind to do what's right. For matter of that we'll hear you patiently, Mr. Burrill, and Mr. Greene, too. Proceed, Mr. Burrill".

After some argument the court decided that they would hear nothing further at that time. The plaintiff's counsel thereupon drew up a remonstrance against the receipt of the verdict, praying that it might be annulled. The court declared that the paper should not at that time be entered on file, but that they would take it and carry it a few days in their pockets and at a convenient time would say whether they would formally receive it. The chief justice said: "The court has no objection to let the paper be. I'll put the paper in my pocket till the court can see about it. We'll hear what the parties have to say before the court's done. Ye ha'nt any objection to that I suppose, ha' ye?"

The court refused to appoint a particular day for hearing the motion for receiving the paper, but said that they would see about it before the rising of the court. They kept the paper in their possession until the tenth day after the return of the verdict, when the motion was again brought before them, and they consented to hear the arguments upon the subject. The defendant's counsel again repeated their objections to its being received, or the plaintiff being suffered to say anything more against the propriety of the verdict. The counsel for the plaintiff said that it had always been the uniform practice and custom of the court not to consider a verdict complete till the jury had solemnly acknowledged it as their verdict, and persisted in it after the court had entered it on their minute book. That such was also the custom in the Supreme Court, where several verdicts were recollected to have been set aside by reason of some of the jurors dissenting to it after the court had entered it on the minute book. That in the present case several of the jurors had declared their dissent to the verdict before they were dismissed from the cause. Here the chief justice interrupted and said: "What do ye say, Mr. Greene? If I understand the matter right, the question now before the court is, whether there shall be no more said about the verdict, and whether o' no the

court shall receive the paper. For my part I wish to do one thing to a time". After this the arguments were confined to the question of receiving the paper. When the opinion of the court was taken the chief justice, after whispering a few minutes with the court, spoke nearly as follows: "'Tis the opinion of the court the paper don't ought to be received in its present form. Ye may though make another motion to the court an' ye will, an' the court will hear ye".

The counsel observed that the four days from the return of the verdict, which the law allowed for filing motions for setting aside verdicts, has expired, and the court, they well knew, could not hear another motion upon the subject. They informed the court that they would not trouble their honors with any more motions. Upon this the chief justice said: "The court's quite willing to keep a hearing motions as long as there's anything to say". There was, however, nothing further said and the verdict was established and entered on record.

Either in the early days of the Colony as great respect was not held for the magistrates as now, or else the body considered that the power to punish for contempt was too great a power to be given to the court without recourse, for we find an act passed, in 1650, providing that if any person should misbehave either rudely or contemptuously in a court of justice, the judges of the court should commit him to the stocks or pay five shillings (the offender is meant, not the court), *the jury present first finding him guilty*.

The following act was passed in 1656, evidently intended to prevent the hasty expressing of opinions by the bench upon actions tried before them: "Forasmuch as it appears to be offensive for a magistrate to rise off the bench when a cause comes to be pleaded, for that thereby he prejudgeth the case, and forestalls the minds of some more or less of the number in the jury and thereby doth hazard the best and most just cause, it is enacted that if any magistrate shall from henceforth, in any of our courts, upon the proposing and pleading a cause there before them, rise off the bench without leave of the court, he shall be liable to pay five pounds in case the cause depending be laid a hundred pounds or under, and in case it be laid above a hundred pounds then to pay a ten pound fine".

In 1678 it was voted that certain persons be appointed to receive the votes from each person, and if any brought be brought double, they may open them and so deliver but one into the hat from each man. The delicate way in which illegal and double voting is referred to is amusing.

At the December term of the Court of Quarter Sessions, 1687, an order was made providing a rate of one hundred and sixty pounds for the purpose of building a court house in each of the towns of Newport and Rochester and repairing the prison in Newport and for other purposes, sheep's wool to be taken in payment of the rate at seven

pence half penny a pound, butter made in the spring at four pence half penny a pound, pork at forty-two shillings a barrel, etc.

In 1695 the Assembly, feeling sensible of the want of a prison on the mainland, ordered that such prison be built in Providence for the purpose of securing delinquents, the charge to be borne by the town of Providence.

The following act appears in 1707: "Whereas, the body of a negro man which was a late slave to Mr Thomas Mumford of Kingstown and who had committed the horrid and barbarous murder upon the wife of the said Mumford, about two weeks since, as is justly concluded, was found dead upon the shores of Little Compton in the province of the Massachusetts Bay, which said negro, it is believed and judged, after he had committed said murder, threw himself into the sea and drowned himself, by reason he would not be taken alive, and the said negro's body now being brought into the harbor of Newport, it is ordered by this Assembly that his head, legs and arms be cut from his body and hung up in some public place near the town to public view and his body to be burnt to ashes, that it may, if it pleases God, be something a terror to others from perpetrating the like barbarity for the future".

One of the most marked peculiarities of the old time, as well as comparatively modern procedure in Rhode Island, was the ability with which a new trial of a case could be obtained. In fact, it came to be regarded almost as a prescriptive right that a litigant, after a verdict against him, should obtain a new trial as a matter of right without urging errors of law or facts. At the session of the Assembly in 1677 permission was given to any party that might be aggrieved by the judgment of the General Court of Trials to have one rehearing at the next court. At the session of 1680 provision was made that in all personal actions where either party should have obtained two judgments for him at the General Court of Trials in one action, the other party should have liberty to appeal to the next General Assembly from the last judgment, for relief, with liberty to the Assembly to enter a new judgment as might seem agreeable to law and equity, the parties having permission to give in new evidence. It will be seen from these two early acts that in the cases mentioned three trials of a case might be had, as a matter of right.

Upon the establishment of the system of courts consisting of the Courts of Common Pleas, and the Superior or Supreme Court as it was successively called, not only two but frequently three jury trials could be obtained. If an action was commenced in the Court of Common Pleas, a litigant could carry the case by appeal to the Supreme Court, and if the two verdicts were contradictory, a third trial was permitted to decide the matter. This trial in review was not abolished until as late as 1844. In 1847 the Supreme Court, whose



jurisdiction had hitherto been, as has been previously shown, almost entirely of an appellate nature, was vested with original jurisdiction concurrently with that of the Court of Common Pleas, of all civil suits for one hundred dollars and upwards. The act by which this jurisdiction was conferred provided that the party against whom verdict was rendered should have a second trial, as of course, by moving for it in writing within forty-eight hours and paying the fee fixed for the entry of appeals. The object of this provision was to place actions commenced in the Supreme Court on an equality with those commenced in the Court of Common Pleas, in which latter court, as above stated, a party litigant, after verdict against him, could get a second trial by appeal to the Supreme Court.

The effect of such an act, as can be seen, was to make the first trial simply an attempt to draw the fire of the adversary; the counsel on both sides trying to put in as little of their case as possible and at the same time ascertain what the probable defense to be offered by the other side might be.

As an illustration of the growth of the State since a period about midway between the colonization and the present, is the vote of the Assembly, passed in 1741, directing the secretary to procure a new book of six quires of paper for the records of the Superior Court of Judicature, and a new book of eight quires of paper for recording all public things that shall be required to be registered in the Colony.

In the days when the Assembly made its peripatations around the counties, it held its sessions wherever it was possible to find accommodations. In 1742 a vote appears of record ordering that the sum of ten pounds be allowed and paid out of the General Treasury to the executors of John Wicks, being for the General Assembly sitting at his house in Warwick several times and for firewood and attendance at said times.

During the days when slavery was a recognized institution of the Colony it sometimes happened that a person was aggrieved either in person or property by the acts of a slave. Although regarded as property, they were still recognized as possessed of sufficient personality that an action for damages sustained was brought against the offender, rather than his owner. The difficulty that then arose was in relation to the manner in which the execution should be served. In 1743 one Comfort Taylor, a widow, represented to the Assembly that she had recovered judgment against a negro man named Cuff, belonging to Thomas Bordon, of Portsmouth, for two hundred pounds, for a grievous trespass committed against her, and that as the execution will go against his person to be imprisoned, it is not clear that the sheriff can dispose of him, which he ought to have power to do, because said negro is not free but a private property, and therefore prayed that the sheriff might be empowered to sell him, as other

personal estate taken on execution to satisfy debts, and considering the great abuse she had suffered and the charge that would come out of said negro for prison fees, she desired that the fine might be remitted, otherwise she would get nothing. Thereupon the Assembly voted that the sheriff, when he should receive execution against the negro, should be empowered to sell him as other personal estate, and after the fine should be paid into the treasury and other charges be deducted out of the price, that the remainder should be appropriated to satisfy the execution.

The court house at East Greenwich was erected about the time when lotteries in this State were reaching their height. At the June session,



EAST GREENWICH COURT HOUSE.

1750, Kent county had been established and a system of courts established for the same. The act also provided that a court house, of the dimensions, or near the dimensions, of the court house in Providence, be built in the town of East Greenwich by a free contribution of the inhabitants of the county of Kent, and that if the same was not so far finished as to be fit to hold courts in by the last day of October next, then the act establishing the courts and county to be null and void. At the February session, 1752, representation was made to the Assembly by a number of gentlemen and others, inhabitants of the county of Kent, that they had erected a court house agreeably to the

foregoing act, but that the house was unfinished within, which rendered it uncomfortable in the winter, in the coldest part of which season one court was held there; that although they had cheerfully contributed toward the building, they found they were unable to complete it, and therefore prayed that a lottery might be granted them as the *easiest* way to raise money sufficient for finishing the said house. The lottery was accordingly granted.

At this time it was a more serious offense to speak lightly of the General Assembly, or to question their motives, than it apparently is to-day. In 1753 one John Martin was brought before the Assembly for grossly and scandalously abusing them, and it being fully proved that he was guilty of the crime, it was voted that he be committed to and closely confined in the jail in Newport, without the use of pen, ink and paper, and that no person but the sheriff should, without leave of the Assembly, have liberty to speak or to confer with him on any occasion, and there to remain until further orders of the Assembly. It may be gathered from the deprivation of pen, ink and paper that these were the weapons which the prisoner had made use of in his attack upon the Assembly. The punishment soon had its effect, for within a day or two there was placed upon record the humble apology of the defendant, and he was dismissed, paying costs.<sup>1</sup>

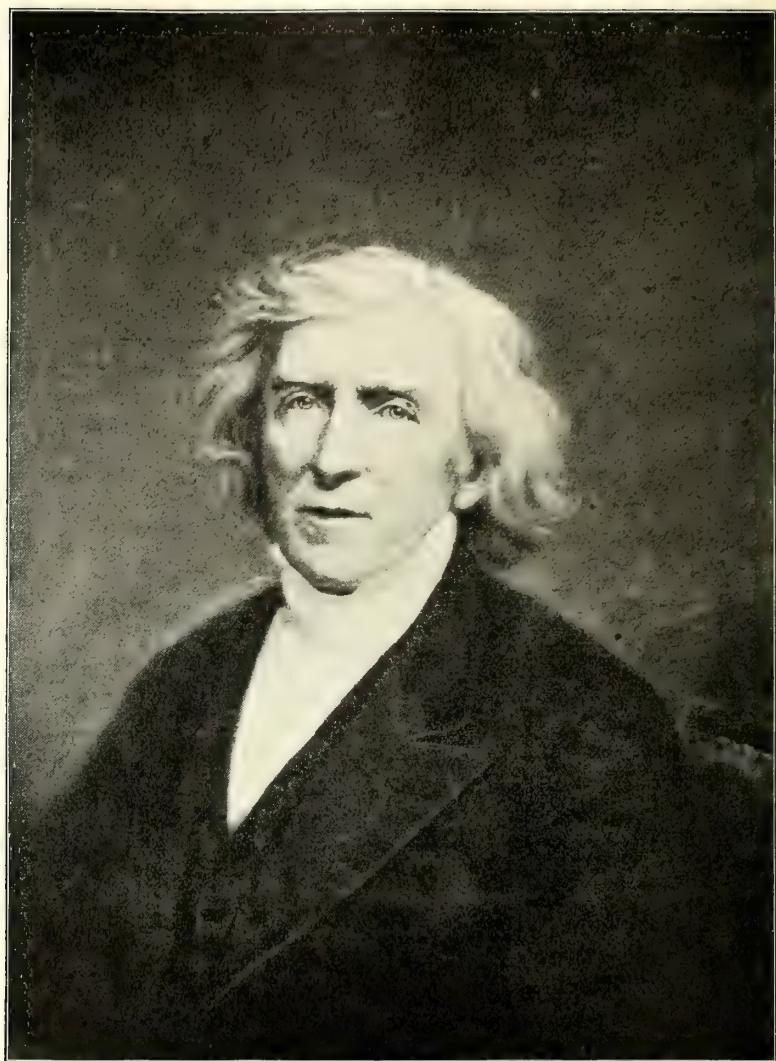
In 1756 one Samuel Thayer was brought before the Assembly, in consequence of a warrant issued against him by the secretary, pursuant to a vote of the Assembly, and the record reads: "The said Samuel confessing that he had damned this General Assembly, it is therefore ordered that he, the said Samuel Thayer, be forthwith committed to and closely confined in His Majesty's jail at Providence".

Evidently even in 1798 members of the bar were becoming more numerous than the Assembly deemed good for the State, for in that year we find a law was passed imposing a tax upon all practicing attorneys. The attorneys, however, rebelled and for many years refused to pay the tax, and in 1814 the act was repealed.

The court house in Providence county, dedicated in 1877, is the first edifice ever built exclusively for the courts of the State. Forty years ago the court sat in Providence county from sixty to seventy days a year. Now it sits continuously for ten months. At the date referred to the court met in the old state house on Benefit street, when that was not used by the General Assembly. When that body occupied it the court had a migratory existence, sitting in rooms hired for the occasion and even in the offices of some of the judges. Things even so short a time ago were primitive. Cases were fewer and also less intricate and important. Those were the days when the railroad was as yet undeveloped compared with its importance as a factor in modern life. It

<sup>1</sup>This is doubtless the same John Martin referred to on page 137 *ante*, a part of whose will is there printed.





WILLIAM READ STAPLES.

CHIEF JUSTICE OF THE SUPREME COURT OF RHODE ISLAND 1854-1856.  
AUTHOR OF THE "ANNALS OF PROVIDENCE."

was the day when the telephone, the telegraph, electric power, cars moved by motor power, and all of the common facilities of everyday life at the present time were either unknown or in their infancy. To-day the inventions referred to have added, not only new branches of the law to meet the needs that have arisen, but have added more than a hundredfold to the business brought before the courts. In those days neighborhood quarrels, disputes over boundaries, suits for breaches of contract, with the usual criminal cases, occupied the time of the courts. The law of negligence, now so diversified and filling so large a part in the life of the courts; the law of master and servant; the law of corporations; the great equitable jurisdiction extending its powers over every other department, were little known. As said by Judge Durfee in the address delivered at the dedication of the Providence county court house: "I do not think the change has come from any growing litigiousness. Litigiousness is the vice of a shiftless and vacant community, craving excitement and therefore greedy of controversy. It is not the vice of a busy community absorbed in its own affairs, and having, to divert its leisure, the appliances of a luxurious city. Rather does the change imply that the community, while becoming more populous, is also becoming more variously developed in its social, civic and business concerns. It is a sign of progress, not deterioration. The State is a humming hive of industry. Its industry is not homogeneous, but of many kinds. Hence, new duties, new interests, new and complex relations, evolving new and complex questions of law and fact. The resources of jurisprudence are taxed to the utmost. New laws are constantly demanded and the General Assembly, as well as the courts, prolongs its sessions. Progress has been said to proceed by the evolution of the more complex out of the less complex. Life as it develops propounds more problems than it solves, and cannot multiply rights without multiplying the wrongs which result out of their infringement".

The question has been repeatedly asked why Rhode Island has so few Reports. The reason is not far to seek. As has been shown, the juries until after the present constitution were judges of both law and fact. There was, therefore, nothing to report. No need of precedents where each case could be decided according to the light which an individual jury might or might not possess. The few early cases found in the first volume of the Reports are merely charges of the court to the jury in the rare cases when charges were made. When the act was passed providing for a reporter of the decisions of the Supreme Court, Charles F. Tillinghast was appointed, but declined to accept. It was then offered to the late Abraham Payne. He called upon Judge Staples to consult about the matter. Judge Staples said to him: "You can take the office if you choose, but we shall make you all the

trouble we can. We shall give you no written opinions unless we are compelled to do so. We don't want any reporter or any reports. We mean to decide cases rightly, but we don't want to be hampered by rules, the effect of which would be to defeat justice. We had a petition for a new trial before us in Newport county last term. There was no rule or authority by which we could grant it; but we saw, if we did not grant it, an honest farmer would be cheated out of his farm; and we granted it without giving any reasons for doing so". After this conversation Mr. Payne, in turn, declined the office. It was finally accepted by Joseph K. Angell, a pioneer among writers of legal text books in this country. The Reports were first issued in pamphlet form. The first of these pamphlets appeared in 1847. It contained seventy-one pages and consisted entirely of opinions given long before the date of its publication. The second number soon followed. This also was prepared by Mr. Angell, and was the last prepared by him. He resigned in 1849, and Thomas Durfee was elected his successor. The names of persons who have held the office since can be found upon the title pages of the Reports.

Before closing this review of the judicial history of the State of Rhode Island a few pages should be devoted to the lives and characters of the men who have represented the State upon the bench. The character of a State can be fairly judged by the character of the men who hold the public offices. In looking back over the pages of the history of Rhode Island for the past two hundred and fifty years every citizen can read with pride the names of those who have occupied the positions of judges of the highest court of the Colony and State. During the time that the court was held by the governor and assistants the places were held, of course, by those who were the leaders of the people; the statesmen of the embryo Commonwealth; among them men who would have been statesmen at any period and in any environment; men whose breadth of view and broadness of mind laid the lines of the future State on the liberal plan which it has ever followed.

After a distinct judicial system was constituted the list contains the names of such men as Stephen Hopkins, for many years governor as well as chief justice; William Ellery, signer of the Declaration of Independence; Paul Mumford, remembered as the chief justice who presided at the trial of Trevett v. Weeden; David Howell, professor in Brown University, delegate to the Continental Congress, a United States district judge for the district of Rhode Island. There we find Samuel Ward, the great rival of Stephen Hopkins. Among others were James Burrill, the distinguished lawyer and statesman; Tristram Burges, referred to at length in another portion of this work, and also James Fenner, so many years the governor of the State. In speaking of these old judges, who held the office prior to the new line which commenced with Samuel Eddy, Judge Durfee has probably drawn



them in a few lines better than could be done by another in many pages of description: "If we could bring back those ancient judges and see them once more as they existed, in the flesh, what a rich variety of characters we should behold! They were representative Rhode Islanders, and to know them would be to know the State in its most characteristic qualities. But they have passed away and have left, all but a few of them, little but their names to rescue them from oblivion. We call the names over and they fall on the ear with an alien and empty sound, conjuring up nothing but a dim procession of shadows without personality. And yet those naked names once stood for veritable men, with strong minds and racy mother wit, and picturesque peculiarities. For illustration: This is the name of some stout old farmer, who through many years has wrung from the rough earth a homely but comfortable living, and has slowly risen by his energy, thrift and practical cleverness to a position of honor and influence among his neighbors. He brings to the bench the open and deliberate habit of mind which he has cultivated on his solitary farm, turning over and over his solitary thoughts. He knows but little law, but he ponders and waits for his mind to settle slowly to its conclusion, which is pretty sure to be right. This is the name of some country squire, who, having familiarized himself with the statutes and a few of the horn-books of the law, has written deeds and wills for his neighbors, or managed their petty lawsuits for them—half lawyer, half farmer, and who after frequent service in the Town Council or the General Assembly, has accepted for the quiet afternoon of a useful life the chief justiceship of the Common Pleas of his county. He brings to the bench a shrewd sagacity, not unmixed with self-conceit, and a practical comprehension of legal questions, which gives him an ascendancy over his associates, often too complete. This is the name of some city trader or craftsman who has rubbed his wits keen and bright by collision with many minds, who knows a little of many sides of life without knowing how very little he knows, and who is therefore too ready to look down upon slower but deeper men. He brings to the bench a brisk but positive perception, which is very valuable when steadied and controlled by more cautious judgments. This is the name of some gentleman of hereditary influence, who with less practical energy brings to the bench a tincture of liberal education and refinement. Lastly this is the name of some leading statesman or lawyer who has the capacity and learning which eminently qualify him for the office of judge".

The last of the old order of chief justices was Isaac Wilbour. He was a farmer from Little Compton, but had been much in public life, serving in the General Assembly as speaker of the lower house, as representative in Congress and as lieutenant-governor. He was a man of imposing presence and dignified address. In his varied career

he had picked up some disjointed knowledge of law, which, according to tradition, he liked to display a little too magniloquently; but however this may be, he held the office for eight years under annual elections, from 1819 to 1827. His successor was Samuel Eddy, the first of the new régime. With him began a line of trained lawyers, men who brought to the bench ripe knowledge, sound learning and minds trained in legal channels. Judge Eddy was born in Johnston, R. I., in 1769, and died in 1839. He graduated from Brown University in 1787, and held the office of clerk of the Supreme Judicial Court from 1790 to 1793. He served as secretary of state from 1798 to 1819, the latter year being elected to Congress as a Democrat, and served until 1825 in the lower house. He was elected chief justice in 1827, holding the office until 1835. When elected to the bench he was already well and widely known as a man of incorruptible integrity. He was well-grounded not only in law but in the history of the State as well, in metaphysical philosophy, in theology and physics. He has been said to have looked for the spirit of the law in the letter of the law; to expect exactness in the language of statutes, judicial decisions and legal instruments, and to require it in legal proceedings and in the performance of legal duty. His decisions were the result of a careful investigation of every fact and principle of law bearing on the case, and when reached they were delivered scrupulously as reached. He was a man of great strength and honesty of mind who did his work well.

Succeeding him came Job Durfee as chief justice. He was born in Tiverton in 1790 and died in 1847. He graduated from Brown in 1813 and the following year was elected to the General Assembly. He served in that body until 1819 and again from 1827 until 1829, serving as speaker in 1828. He was elected to Congress as a Federalist in 1821 and served until 1825, when he declined a renomination, and retired to his farm, where he devoted himself to study and to literary pursuits. He later resumed the practice of the law, and in 1833 was appointed associate justice of the Supreme Judicial Court, and two years later became chief justice. This office he held with honor, serving during the trying days of the Dorr troubles. He died in office. Judge Durfee was the author of a volume of poems and of many articles, including one philosophical treatise. He was well-grounded in the general principles of the law, having a mind by which they were readily grasped and retained, and in the trials of cases he liked to reason out his decisions from such principles, rather than rest them upon reported cases. He loved to take large views of things, as is shown in some of his reported charges to grand juries, which were not merely dry expositions of positive law, but thoughtfully pondered dissertations on the philosophy and ethics of jurisprudence.

After Judge Durfee, Richard W. Greene succeeded as chief justice,

but, as he has been referred to at length in other portions of this work, it is unnecessary to speak further of him in this place. As a judge he excelled in jury trials, being prompt and accurate in his rulings and exceedingly direct and clear in his charges, using words easily understood by the jury. In trials, to the court he was patient and attentive in hearing, and in deciding gave opinions that were clear, orderly, closely confined to the points at issue, and rather inelaborate, like the oral opinions of the earlier judges.

William R. Staples followed as chief justice. Judge Staples was born in Providence in 1798, and died there in 1868. He also graduated from Brown University in 1817 and was admitted to the bar in 1819. In 1835 he was elected associate justice of the Supreme Judicial Court, holding the office until 1854, when he was elected chief justice. The duties of this latter office were not congenial to him, and he resigned it in 1856, and until his death devoted his time to literary and kindred pursuits. He was one of the founders of the R. I. Historical Society, the author of the *Annals of Providence*, and the editor of many historical publications.

Succeeding him came one known in judicial history in this State as "The great chief justice". Judge Ames was sworn in as chief justice August 11, 1856. He was probably the most learned judge that up to that time had occupied a seat upon the bench of this State. As a constitutional lawyer he was without an equal. He possessed the greatest abilities for acquiring knowledge, and he used these abilities assiduously in its pursuit. An anecdote is related of him, that in a conversation in Washington, shortly before the late war, a discussion arose as to the difference between Northern and Southern gentlemen, when Governor McDowell of Virginia said: "I have been listening to a young man from Rhode Island for the last two or three days; he knows more law than all the judges in the Supreme Court; he knows all the law from *Doomsday Book* to the present; and has it all by heart, and he can talk like a Virginian". Judge Ames was a man of the highest honor and of the firmest convictions. In another place we have referred at length to his great opinion in the case of *Taylor v. Place*, which settled the controverted question of two centuries. He was a learned jurist, an upright and fearless magistrate. The inscription upon the stone that marks his grave tells the history of his life with rare felicity: "Upright, learned, fearless, just, sincere". He died in 1865.

Charles S. Bradley held the office from 1866 to 1868. He was born in Massachusetts in 1819, graduated from Brown in 1838, and was admitted to the bar in 1841. He rapidly became known, not only for his efficiency as an advocate, but for his surpassing eloquence. He was elected as a Democrat to the Supreme Court by a Legislature overwhelmingly Republican. It may not be out of place at this time,

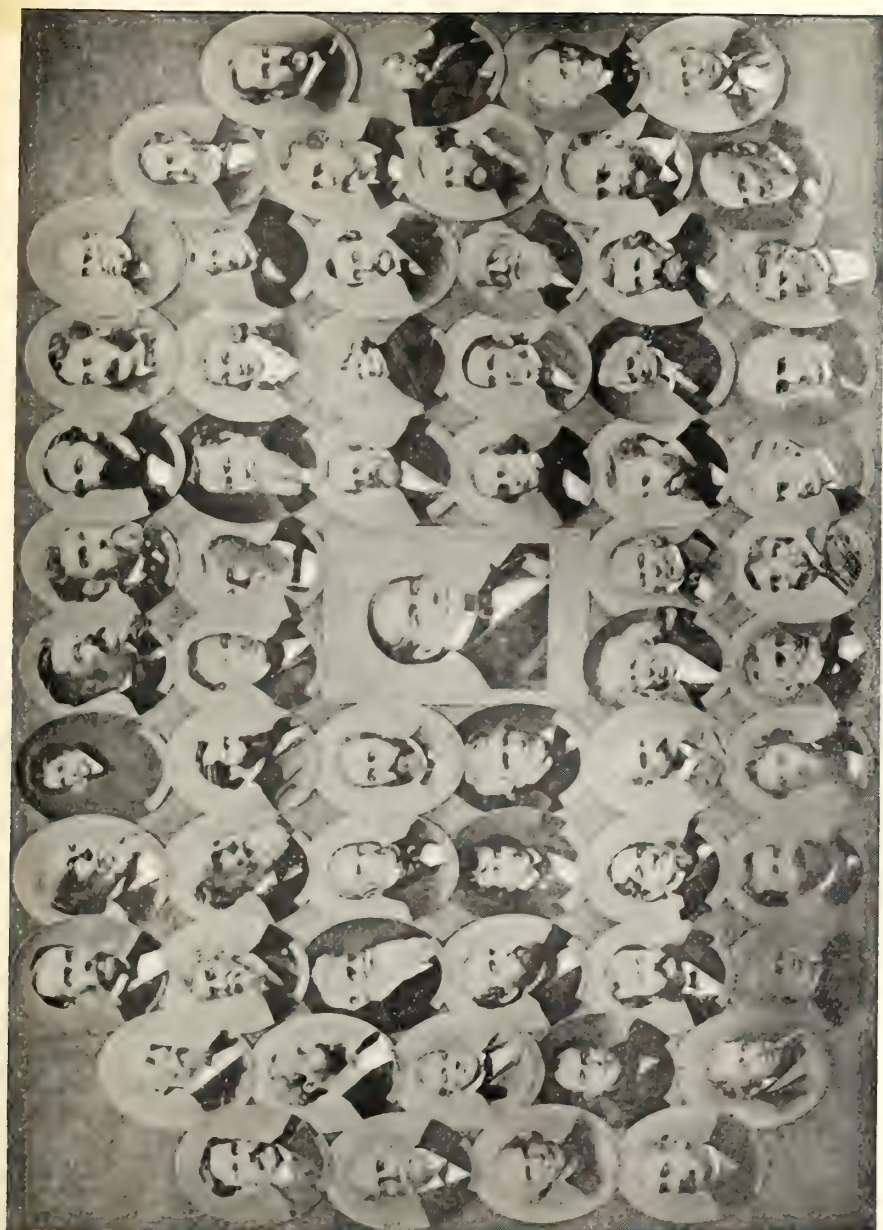


in answer to the criticism sometimes made of partisan elections to the bench, to mention only among many cases those few in recent years of Judges Bradley, Bullock, Burges and Potter, as well as George H. Brown, elected, but who refused to accept the office, all Democrats, and all elected by a Republican Legislature. Judge Bradley died in 1888. The few years that he held the office were sufficient for him to show marked ability as a judge.

He was succeeded by George A. Brayton. He was born in this State and admitted to the bar in 1827, after graduating from Brown in 1824. In 1834 he was elected town clerk of Warwick. He was a member of the convention that framed the Landowners' Constitution, as well as of the convention that framed the present instrument. He was a representative in the Assembly in 1832 and 1843, and in that year was elected an associate justice of the court. In 1868 he became chief justice, which office he held until he resigned in 1874. He died in 1880.

Among the later occupants of the office who have held it within the last quarter of the century are the late Chief Justice Thomas Durfee, Charles Matteson, who retired in 1900, and the present chief justice, John H. Stiness.

Before closing these short sketches of the judges of the Supreme Court mention should be made of one, who, by his ready and quaint wit, is probably more often quoted than any other man who has held that position. We refer to Judge Shearman. Judge Shearman is painted by one who knew him "as a man who, without any pretense to superior sanctity, vast acquirements or greatness of any kind, was a good man, knew what was worth knowing and discharged faithfully the duties of all the positions in which it had pleased God or the people to place him, whether as a lawyer, residing in the village of Wickford, as a member of the Assembly, or as a justice of the Supreme Court holding the Courts of Common Pleas throughout the State". One well known charge of Judge Shearman's is often quoted. An action was brought against an owner of a dog by a plaintiff who had been bitten in the leg by the animal. After the evidence had been introduced and the counsel had argued at length upon the merits of the case, Judge Shearman charged the jury substantially as follows: "Gentlemen of the jury, much has been said in this case about dogs and men, and as to which is the nobler animal of the two. One thing I can say to you, that no dog was ever known to be educated at the expense of the government and then rebel against it". It is needless to say that the time was during the Civil War. The jury after hearing the charge retired and found for the plaintiff. He has been likened in many ways to Lincoln in his love of an apt anecdote or a story that hit the nail on the head. When on one occasion an eminent attorney from New York came to Rhode Island to defend some crim-



DECEASED MEMBERS OF THE BENCH AND BAR OF RHODE ISLAND.

inals, he was much impressed by Judge Shearman's ability and said to him: "Why do you stay in such a little place as Wickford? Why don't you remove to New York, where there is a wider field for your talents?" Said the judge: "Take the gamblers and thieves out of New York and it is not so much larger than Wickford after all". When a lawyer of rather indolent habits was ridiculing the activity of one of his younger brethren, Judge Shearman said: "Well, well, an engine of one cat power running all the time will do more work than an engine of forty horse power standing still".

An action was tried before Judge Shearman once, arising out of an accident whereby a carriage driven by a woman had run over a child. It was in the days of the early '60's, when ladies were accustomed to wear their hair confined in bags at the back of the head, called waterfalls. "Gentleman of the jury", said Judge Shearman in his charge, "this defendant was driving along the road with the whip in one hand and the reins in the other and something on the back of her head, I don't know what you call it, only I know that it wouldn't be idolatry to worship it, for it's neither the image of anything in the heavens above or the earth beneath or the waters under the earth".

During the call of the docket at one time after the braking out of hostilities, a case was reached, *Smith v. Peacedale Mfg. Co.* "Well, well", said the judge, "that's no name for these times. Ought to call it Warville". One day shortly after Fort Sumter had been fired upon, and while the judge was engaged in the trial of a case before a jury, one of the volunteer officers, a member of the bar, who was shortly to leave for the front, entered the court room in uniform. Judge Shearman stopped the case and called the officer to the bench. "Mr. So-and-So", said the judge, "I've got a boy that's crazy to go to the front and his mother won't let him go, but now I'm going home to-night and tell her to let him go if he wants to in your company, and I guess he'll be perfectly safe. Go on, gentlemen".

During a term of court at South Kingstown, Judge Shearman's own county, a man was brought before him for stealing a horse and the court sentenced him to six months in jail. It so happened that the defendant was released a week before the next term of court. He took advantage of this opportunity to steal another horse; was arrested on the spot; the case immediately brought before the grand jury; an indictment found, and the following week, when Judge Shearman again held court, the man was brought before him, tried and convicted. This time he was sentenced to a year. Upon liberation he once more committed some felony or misdemeanor, and but two terms after the last sentence again appeared before the bar. This time he pleaded guilty. "Now, now", the judge remarked, "I can't spend all my time trying you. I retire from this court in about six years and a



half. I'll give you seven years now and let some other judge try you next time". History fails to record what the result of this was.

In an action, trespass for assault, Judge Shearman gave substantially the following charge: "Gentlemen of the jury, the plaintiff charges the defendant with assaulting him, and the defendant says that the plaintiff took away his girl from him. Now, gentlemen of the jury, undoubtedly if the plaintiff did take away the defendant's girl the defendant had the right to resent it. We've all heard of girls that leave their father and mother for a man and stick to him closer than a brother, but my opinion is, gentlemen, that that kind of girls is mighty scarce around this part of the country."

For one thing Rhode Island can be proud. From the earliest days of the Colony to the present time, no man has sat upon the bench of this State at whom the finger of reproach could be pointed as a corrupt judge. In the earlier days, however deficient in legal learning and practice they may have been, they were honest men. Since the constitution the bench has been composed of men, honest, fearless and pure. Happy is the State whose prosperity is protected and safeguarded by a judiciary fearless and uncorrupt.

*Edward C. Shearman*

---



Public and  
Private Finance.





## CHAPTER III.

### PUBLIC AND PRIVATE FINANCE.

The treatment of the financial history of the state being somewhat limited by the scope and plan of this whole work, it has been deemed advisable to lay special emphasis on one aspect of the subject, but at the same time to cover all of the more important questions involved. The point of view selected is that of the legal relations of the subject of taxation, because from them have arisen many points which effect the constitutional relations of local with central government. This close association of finance in Rhode Island with the development of the principles of home rule is one of the most unique facts in the state's history.

The history of the public finances of Rhode Island is divided into three periods. The first lasting until 1710; the second ending with the year 1800; the third covering the present century.

#### PART I—COLONIAL AND LOCAL TAXATION

The sources for the first period are the Rhode Island Colonial Records, Vol. I-III. The Colonial and Provincial Records of Massachusetts. Felt's Massachusetts Currency. Williams's Key to the Indian Language. The Providence Town Papers, Portsmouth Town Records, and the Warwick Town Records. Some secondary authorities are noted in the general bibliography of the state's history.

The financial history of Rhode Island is not an isolated topic that can be treated apart from the economic and political events of which it was partly the cause and partly the effect. It reflects both the peculiarly narrow limitations of the state government and the excessive individualism of the people, which were part and parcel of the relations of the citizens toward the local government, and of the local government toward the central government. It illustrates the world-wide movements during the seventeenth century in which the state had some share.

The fiscal history of the colony began in the three towns, Providence, Portsmouth and Newport—Warwick not having had any local government until the formation of the colonial government in 1647, had therefore no fiscal institutions. Between the two towns of Portsmouth and Newport on the one hand and Providence on the other the contrast was marked. In the former a singularly complete form of civil government seems to have been at once established. It was not a development of a generation. The leading spirits of the settlements were men of some property and a large degree of legal training. Communal labor may have existed in Portsmouth—bread was baked by the

town baker—but in Newport there were fewer traces of it. Individual effort was encouraged by the clear recognition of the right of private property in land, although here as in Providence fee simple title could not be sold to a non-resident without the town's approval. The system of government consisted of a legislative department—the town meeting; an administrative department—the judge and elders, elected to serve for one whole year or until their successors were appointed, and vested with ordinance making powers, subject to revision by the town meeting; and a judicial department with original cognizance of all kinds of cases. A miniature state was formed in 1640, of which the two towns were component parts. To each local organization was reserved full and complete authority in all strictly local matters, while the central government with its governor, deputy-governor and assistants and general assembly was vested with authority over the general matters of the two towns. Here then was a thorough-going system of governmental organization, in which individual rights and privileges on the one side were balanced by individual obligations and duties on the other. The individual yielded obedience and was protected by the supreme state. The sense of corporate life was the dominant force of the whole scheme.

Here then were also the conditions precedent to a thoroughly adequate fiscal system. From the beginnings of the settlements taxation was resorted to. The first proposed levy upon the people was in the form of a land tax. A general fence five rails high was to be erected "at the head of the spring" in Portsmouth, and the charge was "to be borne proportionately to every man's allotment"; but the fence was not built and the tax was not assessed. Subsequent taxes were levied according to the ability of those taxed. The Newport men incorporated into their first compact of government the clause, "we do engage ourselves to bear equal charges answerable to our strength and estates in common". Public service when not gratuitous was paid for from the treasury. Roadways were built, "wolf catchers" were provided and the town watch was maintained at the public charge.

The common land was the property of the towns and their income from taxes was augmented by receipts from sales of it and by fines for breaches of the law. Payments were made by the treasurer upon the approval of bills by "the judge and some of the elders", and exact accounts of such transactions were rendered to the quarterly town meeting. At the establishment of the two-town government in 1640 each town was required "to have a joynt and an equal supply of money in the treasury for the necessary uses of the same." The governor and one assistant in one town and the deputy-governor and one assistant in the other town approved the bills of the general government. The treasurers of each town were to keep an accurate account of all moneys "received or dispended, the charges were to be equally



balanced and each town was to bear its true proportion". The amounts involved in these mutual transactions were sometimes large, and had not the fertile soil yielded good returns and had not wealth been prevalent, they would have constituted a heavy burden on the people. In March, 1641, the town of Newport was indebted £111 3s. 4*d.* There is no record of the amounts paid during the year, but if the Portsmouth debts were proportional to those of Newport, the unpaid accounts would have averaged more than £1 for every male on the island. In the same year Indian corn was made legal tender at four shillings per bushel "in all payments for debts" between man and man. The per capita cost of the general government therefore was five bushels of corn from each annual crop.

The conditions in Providence were in sharp contrast to those of the island towns. Here both the soil and the people were poor. Though the settlement made by Roger Williams antedated those made by Codrington and his friends, Williams had no scheme of civil government nor had his friends sufficient legal training or education to evolve one. By the time that he could have patterned after Newport, elements of discord had already begun to play an important part in local affairs. In Newport no man was to be molested for difference of "doctrine". In Providence the broader ground was taken, that government concerned only "civil things". Many of the adventurers who soon began to seek association with Williams were prone to interpret the absence of religious powers in the voluntary compact of government as an absence of moral obligations also. The pure economic motive became the sole balance wheel of government and a condition approaching anarchy resulted. The original "purchasers" attempted to retain exclusive ownership of all the common lands, and the quarrels over land questions absorbed the public attention. The view of Samuel Gorton that no local government was valid unless sanctioned by the authorities in England had many adherents in Providence, and the free play of self interest led to excessive individualism, to a system of voluntary government so unstable that its decrees could only be enforced by the individual consent of each and all, and to a general lack of the sense of corporate life. Local government was here evolved out of the bitter necessities of experience, and its evolution was many years in process.

Here then were no conditions precedent to a financial system. The income of the town was derived from fines, the collection of which was almost impossible, from sales of land, the payments for which were in some cases delayed for many years, and perhaps from taxation, though the earliest record we have of a tax is dated 1650, when an assessment was made on live stock only. The treasurer was first elected monthly, then quarterly, and finally annually, but his duties were not burdensome. He expended "the town stock" as the town should

“appoint”. Here public service was not altogether voluntary, and a system of compulsory duties seems to have been imposed upon the freemen in rotation in lieu of a paid service, which was doubtless difficult because of the difficulty of collecting taxes.

These fragmentary details are all that we now know of the fiscal system of the towns before 1647, but it is not improbable that crude as they seem they sufficed for the needs of a people solely occupied in the simpler forms of agriculture.

A brief outline of the nature of taxation and its development from 1647 until 1710, when the more facile method of raising revenue by the issue of paper money was adopted, will aid in our understanding of the detailed history of the period. The system of colonial government established at Portsmouth in 1647, though in theory sovereign, because it derived its power directly from the citizens as colonial freemen, was not so in practice, and except on rare occasions when external danger resulted in a temporary subsidence of local factions, was a prey to what may euphemistically be termed a spirit of localism. This spirit of localism was illustrated in the administrative phases of state taxation. Until within a few years before 1710 taxes were not assessed at regular or stated intervals or periods, but were in the nature of an extraordinary source of income. They were resorted to only as the current expenses of the colony or town exceeded the current income, and some supplementary income became necessary to pay accrued debts, or they were levied for some special object too costly to be paid for in any other way. During this entire period there were but one or two instances of an assessment of so large a sum as to leave any surplus in the treasury which the government might subsequently expend for general purposes. Money was not raised in anticipation of public needs, and indeed during most of the period the length of time given for the collection and assessment of taxes and the semi-annual election of the deputies enabled one session of the legislature to repeal a tax assessment law passed by its predecessor before the law could be enforced.

The Stuarts in England at this time were occupied in their attempts to impose taxes *ad libitum* by virtue of their sovereign royal authority, but in Rhode Island political thought had not advanced much beyond the stage wherein a tax was conceived of as a voluntary contribution. The theory of no taxation without representation, which is but once removed from the thought of a tax as a voluntary offering, was here carried to its extreme form, which resulted in laws in 1672 that colonial taxes could not be assessed unless representatives from all the towns were present. The town of Warwick protested against a tax assessed in 1664 because her deputies did not participate in voting it. In Providence, however, the theory had its most unique illustrations. In 1645 certain non-members of the

Purchasers' corporation succeeded in breaking through the exclusive barriers of that body and obtaining a so-called quarter-right in the ownership of the original purchase of land, and when the "quarter-rights men were called upon", says Williams, "to do service to town and country, as well as the purchasers, they did so and thereby came to an equal ordering of all town affairs". Thus the political privilege, the right of the franchise, accompanied as a matter of course the obligation to do public service. Many years afterward some asserted that the validity of a tax assessment depended upon the individual assent of the taxpayer. When town meetings were held for the purpose of levying a rate many absented themselves, declaring, says Williams, that the tax was none of their doing. If in the minds of such extremists the sovereignty of the individual transcended the sovereignty of the state, it is probable that the idea of the state as a sovereign taxing power, implying in the idea, as Marshall says, that the power to tax is the power to destroy, would have found little acceptance in early Rhode Island.

We shall not be far from the truth if we find in this absence of a clear conception of the theory of taxation, and its association with the thought of a free-will gift, a partial explanation at least of the fact that neither the parliamentary charter of 1644 nor the royal charter of 1663 contains any specific reference to a grant of the right of taxation, as the term is now understood. The power of self-government implied the power of self-taxation, as taxation was understood by those who believed in democratic government.<sup>1</sup>

If then the first three-quarters of a century after Roger Williams laid the foundations of the settlement of Moshassuc were devoted to an experimental stage of local and state government, in which religion was divorced from state, much more was it true that the essential notions of taxation were still in embryo, and that a system of tax machinery developed only as the conception of its voluntary character gave way to its compulsory character, and taxes began to be paid to the local officials rather than contributed by a willing member of the community. The great body of local law was transplanted from England, was adapted to local needs and was, therefore, nearly complete at the beginning; but the system of taxation and the laws embodying it were entirely indigenous products and were evolved slowly through experience. Williams, in 1654, writing to Vane of the blessings of free government, said, "Sir, we have not known what an excise means, we have almost forgotten what tythes are; yea or taxes either to church or commonweale", and he was not far from the literal truth.

<sup>1</sup>On the other hand the Stuart view of taxation, as an arbitrary assessment imposed by an unlimited sovereign, was expressed in the royal charter in the clause granting the authority to impose mulcts and impositions on the people. The term mulct appears in local writings of the time in the sense of a tax.



The details of the form of the first colonial government were the work of the island men. The remarkable code of laws and provisions for the "administration of justice" then adopted were cast upon the model of the two-town government already established by Portsmouth and Newport, and as in the latter system financial matters had been largely left to the localities and settlement was made by an annual balancing of accounts between the state and town, so in the new colonial government some such scheme seems to have been intended though it was never fully worked out. The extreme spirit of localism was not yet ready to vest the tentative central government with authority to receive and pay out all moneys due to and from the state. The "public treasurer" received only "such fines, forfeitures, amercements and taxes as fall upon such as are not within the liberties of the three towns specified in the charter and Warwick". The general sergeant and sheriff seem not to have returned the fines imposed by the general court into the treasury until ordered to do so in 1656 and 1658. The first tax imposed by the colony was a levy of £100 to repay Roger Williams for his trouble in procuring the charter, and although the share of each town was set by the general assembly, the towns through their town councils were to collect the tax and pay it directly to Williams. The treasurer's duties, therefore, were not burdensome, and John Clarke returned "his accompte into the courte for the year 1649, that he [had] received nothing as Treasurer, and therefore have nothing in his hand."

The colonial government's right to levy taxes seems to have been assumed by it at the outset, though it used that power but twice during the first seven years of its existence. One of the taxes was in the nature of a free gift and grant to Williams, and was levied by the first general assembly of the whole people in 1647. In 1650 the gift was "ordered" to be paid by the commissioner's court and penalties attached for delinquency. The second was a levy for a magazine or powder house in each town, and each town was to make provisions for its own needs. The experimental character of governmental power was very prominent during these first years. The commissioners elected after the first meeting in 1647 were called the representative court, but for the first few years they were vested with authority "to act", or arrogated to themselves that power, at the beginning of every legislative session, while the semblance of the referendum, impractical as it proved to be, deprived their doings of the full character of sovereignty. Their requests and orders in regard to taxes were even less regarded by the northern towns than were their other decrees, and in the absence of power to enforce them we may assume that until 1654 the colonial power of taxation was exercised by sufferance. Its decrees had rather the authority of requests than orders. Williams had not been recom-

pensed by Providence in 1651 and he seems never to have been fully paid. We know nothing of the results of the magazine tax.

The secession of the island towns under William Coddington in 1651 and the reunion of the government in 1654 was followed by some clearer statements of tax powers. Among the earliest laws of the new government in May, 1655, when the freemen from the whole colony seem to have been present, it was enacted "that ye raisinge of Generall Taxes shall be ordered by the General Court of Commissioners, as they shall see cause from time to time as to ye sumes, and how they shall be proportioned on each Towne; as alsoe, who in each Towne shall have power to make ye rates, and who are to give forth warrants for ye gatheringe of them; as alsoe in case of any refusinge to pay, to order assistance to him or them that are authorized to give warrants, or to gather ye rates as need shall require."

This was the fundamental law of the colony in matters of taxation. In the absence of objection to it, or repeal of it, it had a degree of theoretical sovereignty and constitutionality which cannot now be questioned. It was comprehensive in its provisions and covered both the power to tax and the power to determine the methods of taxation. But like many other statutes of the time it voiced the theories of the island towns rather than those of the mainland, and was never enforced in its entirety. The question which at once presented itself for solution related not so much to the fundamental right of taxation as to the character of the machinery by which that right could be most efficiently exercised. Should the towns be treated as responsible corporate entities, and should the taxes be apportioned on them as such, leaving them to use their local machinery of assessment and collection; or should the colony erect an independent tax machinery and reach the taxpayer directly without the recognition of the locality or intermediation of the town? The central colonial government was the creation of the people, forming a colonial corporation and acting by virtue of their rights as colonial freemen, and had the majority so wished they could have created a strongly centralized government and tax system. That such was not the case was partly the result of a contest between centralization and local autonomy, in which the working out of a duly efficient tax system was associated with the due recognition of the spirit of localism. This adjustment was more than fifty years in process.

The commissioners' court under the statute of 1655 at once levied a tax for colony prisons in Newport and Warwick, and in conformity to the provisions of the law appointed assessors in each town, but the spirit of localism was recognized in a clause allowing the towns to add to or change those appointed by the colony, provided "ye worke be not neglected". The work was, however, neglected, and after three years' delay, during which fines of £10 each were imposed on the towns for

negligence, the Newport prison was adopted as a colony prison. The building of a prison in Warwick was abandoned and with it was abandoned for many years the attempt of the colony to appoint its own tax officials.

The next taxes, assessed in 1658 and 1659 to pay for powder and shot and the expenses of the colony agent in England, were apportioned on the towns, the assessment was left to them and payment was to be made to the town treasurer who was to remit to the colony treasurer.

After the Restoration it became necessary to procure a new charter, and various expedients were resorted to in order to raise the funds for the colonial agent, John Clarke, to whom the matter was entrusted. A voluntary contribution of £200, which was apportioned among the towns, was requested in 1661, but the hope of the legislature that it might thus "be raised with allacrity and cheerfull freeness" was not realized. Only £40 seems to have been contributed, and two men were appointed in each town to see what "moneies" they could "rayse in the several towns", and "old England moneye" was accounted "double the value of other pay". Country pay or products, in which barter was carried on, was reckoned at about half the value of money or bills of exchange, because of the cost of transportation to England, and New England silver was reckoned at about two-thirds the value of English money.<sup>1</sup>

A tax of £288 was levied in June of 1662, and the whole was paid by a few men in each town, they looking to the town for repayment. This method of securing the tax from a few able and well-disposed marks the extreme weakness of the state power of taxation. It was said to have been adopted in this instance because, being levied in early summer, "particular persons cannot pay the rate untill corne be ripe and merchanable, and cattle be fit to kill", and "therefore the persons commissioned in each town saw a necessity for the honor, safety and ease of the collony to engage for the present supply and to stay for the same untill the rate be gathered", but in October of 1663 the money had not all been raised, and although presumably the corn was ripe and the cattle fit to kill, at this season of the year, another tax of £100 was apportioned upon the towns and payment was again volunteered by a few from each locality.

Under the royal charter some improvement was made in methods of taxation. The locally elected town deputy or magistrate was succeeded by the colonially elected assistants, who under the new government were both magistrates and members of the town council. The peculiarly important position which these state officials occupied in local affairs gave to the central government an extraordinarily large influence in all local government, and in theory at least until

<sup>1</sup>Its coinage value was three-fourths that of sterling.



1729-30, when they and the justices of peace ceased to occupy *ex-officio* a position in the local town council, the principle of home rule that local officers should be locally elected yielded to the principle of centralization, according to which in some towns local government was practically administered by colonially elected or appointed officials. The assistant or magistrate, therefore, under the new system became the official through whom the colony exercised its tax powers. He called town meetings to levy rates proportioned by the colony, he issued the warrants to the general sergeant to distrain the property of delinquents, and when the towns were negligent in appointing assessors he had authority to appoint them.

While John Clarke was in England, acting as the colony agent in procuring the charter, he had engaged in preaching and writing in order to eke out his income, and had been compelled to mortgage his property in Newport for £140 in order to pay some of the colony's debts. In 1664 the colony was indebted to him £343 13s. 6d., and to meet this and other charges a tax of £600 was levied. Collections were slow. In 1666 a committee found "very much of the aforesaid levy taken up, withheld or suspended upon other and later accounts", and the assembly enacted that no debt or debts belonging to any other person or persons should be offset against the taxes levied for Mr. Clarke's benefit.

The custom here forbidden was the outgrowth of the practice of using local tax machinery for state purposes. Assessors and collectors had become accustomed to deducting their charges from the tax. The towns themselves deducted charges borne by them in the colony's behalf from the sums paid to the town treasurer, and finally, in the absence of a clear notion of the compulsory character of the tax, individuals deducted not only audited bills but sums due to them for services rendered the colony from their individual assessment. Thus the tax claim of the sovereign state was offset by the claim of a seemingly equally sovereign individual. A committee empowered to proceed and collect the tax of 1664 found themselves therefore "obstructed in the premises soe as not to be in a capacity to discharge the trust reposed in them". Another committee, appointed in 1669, of which Clarke himself was a member, recommended that all outstanding accounts be audited and allowed to be deducted from the taxes assessed for his account; but in 1671 the official records contain references to futile efforts to collect, and the executor's of Clarke's estate in 1678 asked for the payment of sums still due. The mortgage on Clarke's home had been meanwhile discharged by voluntary contributions of the state officials.

For the districts lying without the limits of the four original towns various officials had been appointed by the general assembly, and though for each of them special assessors and collectors had usually

been selected, tax levies had been difficult to enforce. In 1671 for assessing a tax of £250 the state again appointed special officers for the outlying districts and for two of the original towns, Providence and Warwick, but left to Newport and Portsmouth the direction of the portion of the tax assessed on them. As in 1655, however, the right was reserved to all towns and districts to take action as they saw fit, but if they failed to act within three weeks, then the state appointees were to proceed in the premises. This enactment carried the responsibility for the assessment of the tax to extremes. If the towns and districts appointed assessors and they neglected to act, they and their estates became liable for the full amount of the tax. If, however, the towns failed to appoint and the appointees of the Assembly neglected their duty of assessing the tax, their estates were likewise liable for the amount of the tax. This discrimination against Providence and Warwick was doubtless warranted, but it created bitter feeling, and at the April session of the assembly in 1672 the objectionable clause appointing colonial assessors was repealed and the two towns were "only left" to "make choyce" themselves. The assembly seems to have made no subsequent attempt to appoint assessors at the time of levying a tax, and in but one instance did it use that method as a last resort. In May, 1690, a war tax was levied, but in September, "finding that Providence, Portsmouth, Warwick, Westerly, Kingston, Jamestown and Greenwich had not proportioned the rate and still neglected and refused to do so", the assembly appointed three men in each delinquent town to levy the rate. "But the Assembly being concerned for the ancient privileges of every town" in the colony, declared that if they would "proceed according to former custom forthwith" it "would be accepted". Otherwise the colonial appointees should act, and for neglect their estates were liable for the tax.

Taxation had, however, become almost an impossibility, and this session of the general assembly made itself famous by passing some remarkable tax laws. It was forbidden thenceforth to convert taxes to other uses than those for which they were levied, and charges against the colony were no longer allowed to be offset against the sums levied on individuals or towns.

Some part of the difficulty of enforcing tax levies in the mainland towns and districts was due to the poverty of the people, and in some cases to uncertainty of land title in the western districts, pending the settlement of the boundary line between Rhode Island and Connecticut and uncertainty of town and district jurisdiction for lack of clear lines between them, but the greatest difficulty in most cases was not economic. It lay in the fact that the separation of church from state had retarded education and had blunted the sense of moral and social obligation which is essential to all successful communal effort. In the

two island towns these effects had not been so noticeable, partly because, as has been noted, the separation of church from state was not complete, their local laws being founded on "the Word of God", partly also because the possession of a fertile soil enabled them to retain and increase the considerable amounts of private property which they had brought with them, and such possessions were a potent factor toward the maintenance of a reasonable government, especially among men seemingly prone to a lawful course from the outset. In the two northern towns, and especially in Providence, not only were these factors to stability wanting, but many of the settlers were only too ready to carry their individualistic views to the verge of lawlessness at the slightest provocation. The principles of the Quakers, which forbade them to bear arms or support military service, which was an important part of the public burdens imposed upon all, added to the forces of discontent. A pending war with the Dutch in 1672 made these forces seem more than usually dangerous, and the Sedition Act was passed in April. "The assembly", so runs the preamble, "being sensible of the great detriment the colony in generall, and well-minded persons in pertickular doth sustain by reason of a covetous or ffactionious and malicious sperritt appeereinge in sundry towns and places in this collony; who oppose all or any rates, and thereby prevailinge, by their deluded adherants, in overpowering the more prudent and loyall partys in such town and place, to the frustration of the most necessary and needful ends for which such rates are levied; whereby the collony is exposed to much discredit, and other detriments great and dangerous, even tendinge to ruin and subversion thereof in the issue, and in meantime to the intollerable burden and oppression of the more tractable and rationall people, who readily comply with the collony's injunctions in paying the several rates imposed on them, which are yet rendered ineffectuall as to the full discharge of the collony's engagements, by reason of non-conformance to and non-performance of the collony's orders in such cases by such refractory persons."

The law classed as guilty of high contempt and sedition all who appeared "by word or act in opposition to rates and impositions" or "any acts or orders" of the assembly, and all who spoke against, moved to reject the same in public meetings, or otherwise by word or deed slighted them. The penalty on conviction was thirty stripes or a year's imprisonment or a fine of £20. Something of a political revolution followed the passage of the act. Within a month a general election was held. Governor Benedict Arnold and Deputy-Governor John Clarke were replaced by Nicholas Easton and John Cranston. Of ten assistants four only were re-elected, one refusing, and Cranston being advanced to the office of deputy-governor. Of the twenty deputies none were returned. But too much emphasis should not be laid upon the change in colonial officers, for it had not been customary for



some years to return the same members to successive assemblies, or to state it more accurately, it had not been customary for the deputies to accept office twice in succession if they could avoid it. There was a great deal of feeling against the act, and at an adjourned session, held in the latter part of May, this and indeed every other act of the April session was repealed. In November of the same year, "for the preventing great and eminent dangers of pretended debts, which by some mens subtilty and others simplicity, this colony may unjustly and undoubtedly incurr", it was "enacted that noe tax nor rate from henceforth shall be made, layd or levied on the inhabitants of the colony without the consent of the Deputies present pertaining to the whole collony". In the May session of 1678 this provision was abrogated and the major vote of any legally convened general assembly was declared sufficient for the levying of a tax, but according to the assembly's interpretation of the "intent and meaning" of "the charter", it was also enacted that "noe rate, tax or mulct" should be laid or imposed upon the inhabitants without legal notice by warrant from the governor to the towns that such a "rate, tax or mulct" was to be assessed. In about one year this law was also repealed as "prejudicial to the carrying on and management of the publick affaires and weale of this collony". It was ordered "that it shall be lawful for the General Assembly at any time being to assess and impose such rates, taxes and mulcts on the inhabitants of this collony as to them now, or at any time in the future shall appear necessary for the maintaining his Majesty's authority". Nevertheless at times thereafter it was not unusual to notify the towns of the pendency of measures imposing a tax, and they were requested to send their deputies with instructions accordingly.

In 1679 also the assembly passed a law imposing a fine of £10 upon towns that were delinquent in levying taxes and added that sum to the town's proportion of the tax. If they still failed to act, the law empowered the governor or deputy-governor and their assistants to appoint "five honest persons to levy and proportion the rates". This law marks a new departure in the legal aspects of taxation. Previously the state had subjected only delinquent individual taxpayers to fines. It now subjected towns to penalties for failure to comply with its orders to assess a tax. It thereby clearly recognized the corporate town as a legal individual and as a part of its own legal machinery. The passage of this general law empowering the governor to appoint tax assessors also relieved the legislature of the necessity of repeated action in regard to delinquent towns, and very properly shifted the supervision of them from the legislative department to the administrative department—the governor and assistants. In 1682, if the tax assessors thus appointed neglected their duty, they were made liable for the whole town tax, including the £10 fine and all costs of enforcing

the penalty upon themselves. Soon also the varied custom of payment by the taxpayer directly to the creditor of the colony or town or to the general treasurer, or to the town treasurer to be by him accounted for to the colonial government, or to a specially appointed committee, was abandoned, and in 1684 the constable, a locally elected official who with the sergeant had acted only in case of delinquents, became the regular tax collector, to whom all payments were made. In the same year it was also enacted that "if any person in any [of] the respective towns, have ought due to him, from the collony and desire to be paid either out of his own rate and the rate assessed in the town where he dwells", he was to secure the magistrate's approval of his account and the constable was to "discount and offset so much."

Thus in 1684 the question of the selection of the official tax machinery, which had involved the fundamental question of home rule, was settled by a partial compromise. In ordinary cases the localities were free to select their own tax officials and thus local autonomy was preserved, yet in the last analysis the supremacy of the central government was maintained in its recognized authority to levy reasonable taxes in the same way that it passed other laws, and in cases of necessity, when the towns neglected or refused to act, to supervise the assessment and collection of its levies by officials of its own selection. At the time this arrangement seemed as reasonable as any that could have been devised, but the concessions then made to localism contained within them the seeds of future difficulty. Such difficulties could only develop as methods of valuation became important.

As questions relating to the selection of tax officials approached their final solution, methods of valuation had already become important topics of the general subject of taxation. Our discussion therefore naturally shifts to them.

The year 1680 was approximately a turning point in early Rhode Island history. It marked the end of the period during which the new form of democratic government may be said to have been on trial; it marked the time when the contest between localism and centralization ended in the practical establishment of the latter. The Indian war of 1675-76 had exterminated the hostile natives, and the king in 1679 confirmed to Rhode Island jurisdiction the whole southwestern portion of the colony which Connecticut had claimed, and as his decision was based largely upon priority of purchase from the Indians, all land titles thereby acquired a degree of certainty not before possessed. Thus the mainland portions of the colony were on the eve of a new economic and governmental development.

In the earlier years of the settlements when all property was comprised in the crude and tangible forms of an agricultural people, every citizen could know the wealth of his companion. Self-assessment and self-valuation would be likely to result in equity. As late as 1650 both

Providence and Portsmouth levied taxes on livestock only. They next taxed lands and cattle, and as late as 1679 these two forms of wealth comprised the total ratable estates of Providence. In Portsmouth in 1687 the list of taxable property included only "Inclosed Lands, Cattell, horskind, Sheep and Swine above one year old". In Newport, as we have already noticed, taxes were assessed according to both "strength and estates", and it is probable that here the taxable valuation of "strength and estate" began to be based on other forms of property than lands and cattle. That taxable wealth was not confined to land and livestock elsewhere we know from a list of personalty which the assembly ordered to be inventoried in Westerly in 1671. Personal estate included "houses, household stuffs, goods, cattle, horsekinde or any other chattels whatsoever". Until 1673 the colony left all matters of valuation to the towns, and it had been the custom to set a fixed value upon all kinds of property, live stock being valued according to age at so much per head, from £2 to £4 each for a horse or cow, 6*d.* to 4*s.* for swine and goats, and meadow and planting land at £3 to £4 per acre. At other times a specific tax was levied on specific forms of property, varying according to the amount required to be raised from 1*d.* to 6*d.* on each four year old ox or two year old horse, and about the same rate per acre of arable land. The method was reasonably equitable and simple in operation. The lack of equity lay not between individuals of the same town, but, owing to the method of apportionment of state taxes among the towns by guesswork, between individuals of different towns.

In the year 1672 the "Assembly considering the great dissatisfaction and irregularity that hath been by makinge rates or raisinge a common stock for public charges and the necessity there is for public charge to be borne and the justice it should be done according to equity in estate and strength", passed a law directing that every one should be informed when a rate was made and should be required to make a true valuation of "theire estate and strength, every thing that is any estate to them be valued which they are not rated for to another place". Estates were to be valued according as they would "be worth to pay debt in old England", *i. e.* about one-half of the local value, and taxes were to be paid in country pay.

The tax law of 1672, however, besides fixing property values for purposes of taxation at fifty per cent. of its sale value and requiring an individual and personal valuation, directed that taxes should be laid on this valuation at so much in the pound. The act was, therefore, complicated and permitted evasions. Only one tax seems to have been assessed under it. But some months afterward, "under severall pretences few or none paid", and the towns were compelled to nominate two men each to go to each tax payer and "demand what their estates" amounted to and "take an account of the same". Ow-



ing to the Indian wars the next tax does not seem to have been assessed until 1678, when the towns were empowered to make or to appoint freemen to make "an equal rate according to their best understanding amongst the freemen and inhabitants of each respective town". Portsmouth and Newport appointed officials to rate the property of the towns, but ratable estate in the former town and in the mainland towns seems to have included only the kinds of property previously reckoned as such.

In 1690 Warwick petitioned for redress from overrating, and the assembly acknowledged that "the manner of rating towns by guess" was "no suitable rule", and determined that for the future all rates should be levied at "so much in the pound". A committee was appointed "to draw up some rule for apprising of lands or cattle, to be valued, to known men's estates by", but nothing was done by them. But by this time commerce and trade were developing rapidly. Wealth was no longer confined to livestock and real estate. The Newport men though engaged in legitimate commerce, made large gains by slave trading, privateering and smuggling, and some of the colony officials grew wealthy by conniving at such practices. Tax laws, therefore, were passed, specifically providing for valuing and assessing tangible property in the form of trading stock and other personalty in intangible forms. In 1695 a committee reported a "way for the rating all lands and meadows, and merchants, tradesmen and housings" so much in the pound according to value. Each town was to choose yearly two or three able and honest men to take the view of the "lands and meadows; and so to judge of the yearly profit at their wisdom and discretion; and so also of the merchants and tradesmen, and to make this part of the rate according to the yearly profit, or as they, where they shall have had a more narrow inspection into the lands and meadows, shall see cause to set by the acre". The three men were to order each person in the town to bring in the proportions of their estates which they were "to inspect and make their assessment accordingly". In the case of a colony rate the assembly was also to choose a commissioner to aid the three local assessors. The act provided for a specific rate on certain livestock. Later in the year a tax of one penny in the pound was levied and 1s. 8d. was laid on negro men servants and 10s. each on negro women servants. Under this law the sum of £146 18s. was collected, and in the following year a tax of two pence in the pound was substituted for a tax of £300. From these data the taxable valuation of the wealth of the colony seems to have been about £36,000, and as property was taxed at one-half its real value and doubtless some of it escaped taxation, we may approximately estimate the wealth of the colony in 1700 at £80,000 or £90,000.

This plan of direct taxation on individual wealth, as the ultimate

unit by the colony, instead of apportioning the tax upon the towns as the unit, though using the local tax machinery for the purpose, was followed in only two assessments, the second yielding only £219 of an estimated tax of £300. In 1698 the colony returned to the method of apportioning a tax among the towns, and no change has been made since that time. In this year also a poll tax, which had been first levied by Andros in 1688, was imposed by the colony on all males between the ages of sixteen and sixty. The attempt to reach tradesmen and intangible personalty seems to have been a complete failure. The commerce and trade which had developed between 1690 and 1710 was almost wholly confined to Newport. Of the twenty-nine vessels owned in the colony in 1708, all but two or three belonged in that town, and in the agricultural prosperity of the period Newport had had her full share. We should therefore expect to find Newport's portion of the state tax increasing rapidly. Such, however, was not the case. In 1690 twenty-seven per cent. of the tax was assessed on Newport. In 1698, immediately after the time when the assembly should have obtained some definite data from the individual returns required under the taxes assessed on individual wealth in 1695 and '96, it bore 28.12 per cent. of the taxes, but in 1707 its portion was only 28.5. On the other hand, Providence, which had no commerce and almost no tradesmen, bore 13.1 per cent. of the total tax in 1690, and 16.1 per cent. in 1707. Portsmouth's share had declined from 20 per cent. to 15.8 per cent., while Kingston, wholly agricultural, had increased its share from 9 per cent. to 17.5 per cent. All of the other towns except Westerly, which showed but slight change, bore a much smaller portion of the taxes in 1707 than in 1690.

But if between the towns some injustice continued, the efforts made in 1695 to reach all kinds of property resulted in a closer approximation to equity as between individuals within the towns. When the colony in 1698 returned to the gross tax system, it was specifically enacted that within the towns assessments and valuations should be made on the basis of property taxable under the law of 1695. In subsequent taxes this principle was followed, and in addition to the regular assessors and constables acting as collectors for some years, a set of officers called inspectors, or persons to take account of individual "stock", were appointed. By a law of 1704 the towns were required to elect three rate-makers annually, and they were empowered to administer an oath to those making the personal property returns required in the law, and in 1706, owing to some cases of embezzlement by the constables, the assessors were required to return copies of their rate lists, divided according to the precincts allotted to each constable, to the general treasurer.

In 1699 the laws intended to tax tradesmen were amplified so as to include non-resident peddlers and merchants. Inasmuch as they gath-

ered "up quantities of ready money" and carried "it off", but were not subject "to those charges the freemen and inhabitants are at", it was enacted, in order that the government might "receive some proportional consideration from them", they should pay 2 1-2 per cent. on the invoices of goods brought in by them for sale at retail. Merchants, factors and wholesalers paid at the rate of 1 per cent. In 1700 the rate was increased for peddlers to 5 per cent., and in 1701 non-resident merchants remaining in the colony one month were made liable to such rates as others (inhabitants) were subject to, with such modifications as the colonial authorities should think proper. The former taxes were local and were to be devoted to the poor and mending the highways and bridges. The law of 1701 may have applied to colony taxes only.

Exemptions from taxation seem to have been used as inducements to settlers in the colony of Massachusetts, as Bristol lands were exempted by the general court for seven years, but in Rhode Island the only exemptions of this period were the house, land and conveniences of the governor while he was in office. (Law of 1707.)

It is impossible to estimate accurately the proceeds of the various taxes until about 1695, partly because the administrative machinery was not sufficiently developed to enforce payment of them, partly because, although Peter Easton, General Treasurer, by order of the assembly began to keep a treasurer's book in 1672, the accounts are by no means complete and cannot be balanced, but chiefly because owing to the scarcity of English and New England money many transactions were carried on in terms of the Indian money, peage, until 1662, when it was declared to be no longer legal tender, and subsequently until near the end of the century largely by processes of barter. From 1662 until 1695 taxes were assessed in terms of New England silver. The colony taxes assessed, however, between 1647 and 1664 reduced to "country pay" aggregated £1,200. From 1664 until 1700 the nominal sums assessed in various money media amounted to about £4,450, while from 1700 until 1710, when all taxes were assessed in terms of money, they amounted to £11,700. Until 1690 taxes were frequently unpaid, as we have already seen, for many years. But beginning in 1695 they seem to have been collected with comparative promptness, owing to the improved administrative machinery, and with comparative ease, owing to the increase of wealth. Of a tax of one penny in the pound, amounting to about £150, assessed in October of that year, £146 18s. was collected within the time limit. Of a tax of £400 assessed in March, 1701, and payable before October 20 of the same year, £380 17s. 2d. had been paid by July 2.

The cost of collecting the taxes was not great as long as the system of voluntary assessment and payment was operative, but soon became



large. From 1684 the constables received two shillings in the pound for collecting. The inspectors and assessors had wages from 1695 at the rate of two shillings six pence a day, but by 1703 the constables' fees were reduced to one shilling in the pound. There were also fees of the town clerks for copying the rate bill and fees of the treasurer for receiving and paying the tax of from one shilling in the pound in 1695 to six pence in the pound in 1705. The colony paid for "inspecting", assessing and collecting £750 of the £800 rate of 1698, £108 7s. 8d., of which £37 10s. was the treasurer's fee. The additional fees for collecting the remaining £50 amounted to £7 10s., making the total cost £115 7s. 8d., or over fourteen per cent. of the tax.

The excise on liquors and the license for the sale of them were matters of social rather than fiscal importance. The dangers to the peace of the community caused by the sale of intoxicants to the Indians resulted in numerous and severe laws, the fines for breach of which were greatly in excess of the rate of license. Three to twenty shillings was not an unusual penalty, while the rate of license varied from one to ten shillings.

The code of 1647 gave the towns authority to license ale houses and taverns, and though Newport and Portsmouth issued such licenses, Providence seems not to have done so. In 1654, in addition to the money payment for a liquor license, the duty of providing entertainment for strangers was imposed on such as sold liquors. The local license rate was left to the towns to fix, but in 1655 the assembly enacted an excise law providing for an import duty of five shillings on every anker of liquor and every quarter cask of wine. All liquor must be entered or recorded, and the fee of the town clerk for recording was three pence per anker. The towns were, however, given authority to provide for greater excise rates at their discretion, and the excise duty, like the local license, was paid to the town treasury for town uses. An attempt was also made at this time to limit the price of liquor to four shillings a quart, but on complaint of the "ordinarie keepers" the price limit was removed. The rate of excise on liquor was reduced in 1669 to ten shillings a hogshead, or less than one-half the former rate, and that on wines to ten shillings a pipe, or about one-fifth of the former rate. The fees for entering were approximately the same. But neither the excise laws nor license ordinances were enforced, and in 1674 the excise was taken from the towns and appropriated to the colonial treasury. For the more "effectual performance" of the laws, it was then farmed out to local collectors. This law seems to have been equally inoperative, and in 1686 all laws relating to excise, to selling liquors to Indians and houses of entertainment, were repealed. With the beginning of activity in commerce and the increasing needs of the treasury in 1696 excise was again imposed on all liquors imported from

foreign places.<sup>1</sup> The proceeds of the duty were to be "improved" by the governor "for the collony's use". Capt. Samuel Cranston, afterwards governor, was appointed collector of the duty and had ten per cent. for "receiving and paying."

In 1680 the failure of some of the towns to enforce the license laws led to the transfer of license powers from the towns and town magistrates to the town Councils, and as in some towns (Providence) the taxes paid for licenses were appropriated by, and in other towns (Portsmouth) were voted either in whole or in part to, the members of the town councils who had previously served gratuitously, the laws were more strictly followed.

The first general assembly in 1647 passed a reciprocity tariff law, providing that all "Dutch, French or other Alliants or any Englishmen inhabiting among them" should pay "like customs and duties, as we doe among them", for all goods except beaver, but the law was not enforced, and no other customs duties except on liquors and negroes seem to have been exacted until near the end of the colonial period. A duty of £3 per head was laid on negroes in 1708. The price of negroes was from £30 to £40. The duty therefore was about ten per cent. The number imported seems to have been about twenty-five a year; the income should have been in proportion. The law, however, seems to have provided no penalty for failure to notify the collector of the port or the naval officer, and so "the good intentions of the act were wholly frustrated" until a more stringent law of 1712 provided fines, penalties and methods of search for failure to make reports to the official of number, age and sex of the cargo.

In accordance with the acts of Parliament relating to trade and commerce, a naval officer was established in Newport in 1682. All masters of vessels were required to pay for the entry and discharge of their vessels at the rates of 2s. 6d. for vessels under forty tons, and 5s. for vessels over forty tons burden. With the beginning of commerce, however, and the need of forts and lighthouses at the entrance to the bay, laws exacting specific tonnage duties were enacted. The first bears date of 1690 and imposed a charge of one shilling or a pound of powder per ton on all vessels owned outside the state having over ten tons burden. The money was to be used in supporting a magazine or powder house for the Island's use, and later (1701) for fortifications in the town of Newport. In 1704 coasting vessels carrying grain or provisions were exempted. Presumably some of these duties were collected as fees were provided for the officers. The treasurer had a slight income from rental of ferries across waters lying without town bounds. Within town limits the town of Providence directed the

<sup>1</sup>The rates were ten shillings to twelve shillings six pence, according to quality for wines. The rate for brandy, rum and other distilled liquors was one penny per gallon; molasses paid a duty of one-half penny per gallon.

prices of ferriage. The free transportation of magistrates, deputies and jurymen was the first public exaction required of those in the ferry business. In 1700 Josias Arnold, his heirs and assigns, were granted a seven years' monopoly of public ferriage between Conanicut Island and the mainland, at a rate of £2 10s. a year. Subsequently other ferry lines were established in other sections and the usual annual rate of rental was £4.

There was a slight income also from the sales of lands belonging to the colony, but there is no record of the amounts received, and in 1705 they were devoted to paying the expenses of the proposed Canadian Expedition.<sup>1</sup> The greater portion of the lands in the colony belonged to the four original towns, or to the proprietors and purchasers in them, and the proceeds of the sale of such lands went to the towns themselves. But the proceeds were small in amount, as most of the land in Portsmouth, Newport and Providence was granted to successive newcomers at the same price contributed by the original settlers; namely, two shillings an acre.

During the first half century fines and fees provided the most important part of the ordinary income of the towns and the colony. The towns fixed the fees of local officers, the colony those of the general officers. The amounts of fines were fixed in the same way, but the officials seem to have rendered no accounts of them. There is no record of the amounts of fees received, but they pertained to every local and colonial office.

It is suggestive of the peculiar mixture of despotism and freedom, that this nearest approach to real democracy that the world had then seen should have been of necessity accompanied by a system of heavy fines for failure to exercise the privileges and to perform the duties of citizenship. During the first few years, when local affairs were still managed by the original proprietors' corporations, and when the idea of unanimous and voluntary consent rather than majority vote seems to have been thought necessary to validate a law, penalties were exacted not only for absence from town meeting, but for being late or departing without leave, and the fines varied from one to two shillings—the latter being the price of an acre of land. When at a later period government had advanced one stage, and a majority vote and the establishment of a legal quorum facilitated public business, these fines were abandoned. Failures to perform public service were usually punished by fines, at first of an amount equal to the annual income of the office. Those refusing to serve as town magistrate or colonial deputy were fined £5, while the fine for refusing to serve as constable

<sup>1</sup>A survey was made of the Narragansett and Kingstown lands in 1707 and within the next two years about 80,000 acres seem to have been sold, part of them at the rate of 8*d.* per acre.



or sergeant was £4, but excuses were plenty and in many cases the penalties were remitted while in others it was impossible to enforce them.

Fines for non-performance of official duty seem to have been most frequent in the cases of the deputies and jurymen, the former paying three shillings perday, which was their rate of pay, and the latter at the rate of £1 for the term of court during which they should have served. Later the fines were increased to double daily wages received by the deputies. Fines for breach of the peace were usually devoted to paying court expenses, but in 1702 all goods and sums of money forfeited to the colony by judgment of the court were appropriated to building fortifications and a battery. It is probable that this law applied especially to the judgments in the admiralty court.

The sorts of income already described furnish a key to the character of both local and colonial expenditure during this period. The limited scope of the state function confined ordinary colonial expenditures wholly to payments for personal service. Until 1705 the colony took little share in public improvements, but left the care of highways and bridges, to which such improvements were confined, to the towns. In some of the unincorporated and outlying districts, such as Conanicut Island or the Narragansett Country, the colony authorities directed the layout and supervised through its own appointees the construction of necessary highways, but the charges were laid wholly upon the surrounding proprietors of lands. In the towns, both before and after incorporation, such functions broadened the scope of public expenditure, but as highways in Providence were maintained by adjoining land owners, and as the only important bridge seems to have been built by Roger Williams, partly assisted by voluntary subscription and for a short while was maintained by him partly from tolls exacted from non-residents and contributed by residents, neither caused any considerable public outlay. In 1699, with a view to aiding the postal system, established in that year, town councils were authorized to lay out highways as post roads and to submit their returns to the general assembly for approval.

The other extraordinary expenditures of the towns were confined to building pounds, occasionally stocks, and in this period to the prison built in Newport, after many years of ineffectual effort on part of the colony to have at least a "cage" in each town. Not until 1695 was a prison begun in Providence. In Providence and in Portsmouth as well, the fees of the sergeant or town sheriff were soon supplanted by wages, and the chief taxes levied were for the sergeant's wages, "house rent" and the poor—"house rent" being the money paid for the use of a room for public meetings—usually that of the leading local tavern-keeper. The maintenance of the poor was not a large item of expense, as but few during this period became chargeable—only those being

admitted to settle in any town who after rigid scrutiny were seen to be possessed of sufficient property to care for themselves.

Military service was required of all between the ages of 16 and 60, and besides the cost of powder, shot and his matchlock each soldier was required to train a few days annually. When actual military service was demanded the colony paid the cost of maintaining the forces. In 1676, during the Indian war, Arthur Fenner was commissioned as captain in command of the Providence garrison, consisting of seven men with wages of "six shillings a week a man, money pay"—the captain had double pay. In a military law of 1701 all housekeepers, including widows, were required to furnish one man or pay for one. The fines imposed for neglect of duty were devoted to the use of the train bands at first, but in 1676 they were appropriated to paying for colors and drums.

The expenditures of the colonial government, even more than those of the towns, were payments for personal service. The honor attaching to colonial service seems to have deprived it of that compulsory character which attached to local service. Of the general officials the governor and assistants, being not only legislative but judicial officers, received only the fees attached to their latter duties until 1695. In 1650 the deputies, then officially known as commissioners, were allowed 2s. 6d. a day by the respective towns which they represented, and the next year the rate was raised to three shillings. Jurymen at first received 1s. 6d. a day, but in 1655 they were allowed 2s. for each case. With the impulse toward stronger government which occurred about 1670 there was a change made toward increasing the pay of the members of the general assembly, the aim being partly also to secure thereby increased attendance—an end which the imposition of heavy fines had failed to accomplish. In that year the treasurer began to receive one shilling in the pound on all taxes paid in provisions, but he had no commission on taxes paid in money or on fines, and in 1672 the assembly that passed the sedition law provided for payment (presumably by the colony) of the governor, deputy-governor, assistants and deputies, by day wages at the rate of 6s., 5s., 4s. and 3s. respectively, but at the following session this law, like the sedition act, was repealed. Again in 1679 the deputies and assistants were encouraged to attend to their official duties by an order providing that their expenses for "diet and lodging" during their official service should be paid from fines and forfeitures, and in the same year a bill for twenty-two shillings for the convivial entertainment of the members of the assembly was ordered paid. In the following year they were allowed only seven shillings a week for their necessary expenses. The November session of 1685, in view of the "thinness" of the assembly, voted an annual salary to the governor of £10, which was raised at

various times until 1701, when it was fixed at £40; gratuities were frequently voted to him, sometimes amounting to sum as large as his annual salary. In 1695 also the deputy-governor and assistants were allowed salaries of £6 and £4 respectively. The deputies were thenceforth to be paid by the general government. The payment of these salaries and day wages was not always prompt. Of the governor's salary £19 was paid in 1699. Many of the assistants were creditors for three years' salary, and although in 1698 the towns were again ordered to pay their deputies, the latter in 1699 were paid £125 8s. 9*d.* of wages which seem to have accrued during the two years 1696-97 and the first five months of 1698. After a change to payment by the colony again in 1703 towns were finally in 1706 required to pay their deputies.

The general sergeant or high sheriff was then as now one of the most highly paid officials in the service of the colony. In 1673 his bill for salary and fees was £27 18s., and the assembly declared that the "debts of the collony are very much by reason of the sergeant's great wages". In the future he was to receive only 3s. a day for attending on the assembly and fees only for attending on the courts of trial.

The cost for the agent who was employed in England to care for the colony's interest was a heavy charge. In 1700 he received £80 a year and expenses, and in the same year he drew on the colony for £270. The salary was reduced later and in 1708 Wharton, who had succeeded William Penn in the duties of agent, was allowed £80 a year including ordinary expenses.

A clearer picture of the finances of the period can be had by reference to the treasurer's book which Peter Easton bought in Boston for fourteen shillings in silver in 1672. The transactions of the colony were previously kept on loose sheets of paper. Easton kept a system of quadruple entry, the first column containing "What is to pay in", the second "What is paid in", the third "What is to pay out" and the fourth "What is paid out". Accounts were kept in terms of English coin, New England silver and country products. English coin was valued at double the local value of products, while Boston silver was valued at one and one-half times the nominal value of products. Captain Morris received for serving dinners to the grand jury, 21 1-2 pounds of pork and veal and 41 pounds of pork. Walter Nuberry for similar service was paid 9s. in the form of "meat, buter and eggs", while Henry Palmer for auditing the treasurer's accounts received 136 pounds of pork. Of 20 shillings expended for refreshment of the members, 16s. 4*d.* was paid for wine and brandy. The executioner of the Indian Punnean and one Thomas Cornell received £2 for each service, and 16s. was expended for "rum" for the guard. A messenger to Plymouth received £2 5*s.* and two "posts" were paid £1 10*s.* for bringing news about the Hollanders from Boston and Plymouth. The transportation of members from the mainland to the island cost £2 11*s.*



During the period from the third month, 6th day, 1672, to the eighth month, 28th day, 1675, the total payments, of which these are typical instances, seem to have been £96 6s. 3d. The treasurer seems to have received during the same period £94 1s. 10d., of which £63 12s. were fines, £14 15s. were received from the forfeited estate of the murderer, Cornell, and £16 14s. 10d. from miscellaneous sources.

The books of the treasurer were not balanced annually, but accounts were kept with each separate tax until after 1700. The expenditures of the period can be illustrated by the payments made from the £800 rate for general purposes. The period covered is from January 19 to October 12, 1699.

	£	s.	d.
Salaries .....	322	00	09
Fees for assessing and gathering rate including £37 10s. treas. commissions and auditing £2 14s...	110	10	8
Military services including Block Island £75 06s...	90	1	
Entertaining Lord Bellomont.....	74	15	4
Entertaining Connecticut men.....	19	07	
Wolf bounty .....	16	10	
Transcribing laws.....	12		
Physician's services for soldiers.....	8	10	7
Dinners .....	5	07	
Pension to soldier's widow.....		10	
Miscellaneous .....	100	09	8
Still due from towns.....	39	18	
	£800		

Rhode Island took no part in the world-wide wars previous to 1702, her exposed coast, especially the situation of Block Island, requiring that the whole of her expenditures in service and money should be devoted to protecting her own territory. In Queen Anne's war considerable sums were spent and for many of the years 1702-10 the taxes on Block Island were remitted because of heavy military expenses. The Queen's tenths of Captain Wanton's prizes, amounting to £170, were expended in 1703 on great guns and other utensils of war. Weston Clarke in 1705 reported to the English government that £6,000 had been spent in the previous seven years for military and other governmental expenses, and of this sum more than one-third seems to have been devoted to the former purpose. A fort mounting fifteen guns was built on the island in front of Newport harbor for which taxes were levied amounting to £700. Governor Cranston stated in 1708 that the cost of the Block Island garrison was about £100 a year and the treasurer's accounts confirm the assertion. During the active period of the war 1708-10 the cost of the soldiers at the fort was about an equal sum. The colony equipped and maintained 200 men for

more than four months in 1709 for the intended expedition to Canada, at a cost of £2,238 12s. 8d., and £840 paid for the two sloops, *Diamond* and *Endeavor*, subsequently resold for £461. When in July, 1710, the expenditures for the Port Royal expedition reached £5,033 19s.<sup>1</sup> the colony voted to issue £5,000 bills of credit, and a new phase of financing was entered upon.

The attempts of Dudley to interfere with the charter rights of the colony in 1702-1705 caused heavy legal expenses for the agent in England, and during the years 1699-1708 about £1,500 seems to have been paid to Jahleel Brenton, William Penn and William Wharton for that purpose.

An approximate estimate of the general uses of taxation during the sixty years 1650-1710 can be had by reference to the fact that taxes were usually laid for some specific object, and, except in one or two cases, carefully applied to that particular purpose. Of the £17,300 levied, £3,920 was devoted to diplomatic service abroad, £6,200 to military purposes, £450 to public buildings and £6,730 to general purposes.

In the years 1698-1702 the average annual expenses of the colony were about £550; in the three years 1709-10-11 they averaged over £4,250.

---

## PART II. 1710-1800.

### *The Colony as a Banker.<sup>2</sup>*

During the period of agricultural development, the meager financial transaction of which we have just traced, exchanges of goods between individuals were made by processes of barter and by means of peage and gold and silver coins of England, Spain and Portugal, but the standard of value and the fundamental money of account was gold and silver of the weight and fineness of New England coin. These coins were worth about three-fourths as much as the corresponding English coin. A brief account of the money media of the first two generations of settlers therefore will furnish a fitting introduction to the period 1710-1800, when the subject of money was the chief economic and

<sup>1</sup>In the next year upwards of £3,500 more was spent for the same purpose.

<sup>2</sup>The sources for this period are the Rhode Island Colonial Records, vols. iv-x; the acts, resolves and reports of the general assembly; documents, reports and letters in the archives of the secretary of state; American state papers, volume on Finance, account books of the treasurer; newspapers of Providence and Newport beginning in 1763; Staples's R. I. in the Continental Congress; the works of Paine, Hamilton, Madison and the *Federalist* and the letters of Robert Morris.

As to paper money and lotteries, see especially the Providence Town Papers.

political topic of discussion, when taxation was almost wholly resorted to as a war expedient and when, in the issue of paper bills of credit, the colony itself performed some of the functions of banking.

In the earliest days of the settlements coin was scarce, partly because its exportation from England was forbidden, partly because the colonists had little money to bring with them when they came, and partly because the products of the country did not suffice to pay for the goods imported and the local stock of the precious metals was exported to balance the foreign trade. Rhode Island seems to have followed the precedent set by Massachusetts in declaring peage a legal tender, and the early government of Newport and Portsmouth, as we have seen, had used corn as money. Under clauses of certain tax acts also agricultural products and livestock were received at stated prices in payment of public dues. Usually the prices set for such articles were those current in the local market, but at times products were overvalued and the treasury was filled with goods which could only be sold at a loss. Articles received in payment of taxes were kept in the colony store-house and the treasurer was not inaptly known as the "keeper of the public stock". The law that the cheaper money invariably drives the dearer from circulation was early illustrated by the tax paying money quality conferred upon products. As such products were receivable at fixed prices, according to measure or weight, the tax payers turned in only inferior qualities in payment of public dues. "Lank kine" were barred by law in Massachusetts, but in Rhode Island the thrifty citizens at times paid their taxes in goods that were "not merchantable."

The Indian money first used was called peage, wampum and wampumpeage, but was of two sorts only—the black, properly called wampum and the white properly called peage. The black wampum was made from the dark eye of the quahog shell and the white peage from the thick neck of the perrywinkle shell. Each piece of shell was disc shaped or tube shaped, about an eighth of an inch in diameter, a hole being bored through the center to facilitate its use in strings or for embroidery. The edges, both inside and out, were rounded and the whole surface was more or less polished. The so-called "black peage" seems to have been rather dark blue, purple or variegated purple and dark reddish in color, and probably there was no black peage until counterfeiters began to dye the white peage black in order to enhance its value. For the purpose of large transactions the discs were strung together, 360 constituting a fathom. Wampum was twice as valuable as peage, the shell of the quahog being more scarce and more difficult to work than that of the perrywinkle. The Narragansett Indians were most skillful makers of this money. Rhode Island and the eastern end of Long Island were the centers of production, and peage was used as far west as the country of the Mohawks. To the



Indians it was both a money media and a means of ornament, just as silver and gold were among more civilized peoples. "With it", says Lawson, "they buy off murderers, and whatever a man can do that is ill, this wampum will quit him of and make him in their eyes good and virtuous though never so black before". By means of it when sewn or strung together on belts in imitation of their picturesque language they preserved the most sacred records of the tribe. Thus peage had many of the qualities of real money. Among the aborigines its value was fixed partly by the cost of production and partly by the demand for it to satisfy their desires. To the colonists, however, it was rather a representative money. It had value to them chiefly because it could always be exchanged for furs, and was therefore redeemable in an article of useful and salable merchandise. Among the Dutch traders a beaver skin was at first worth 960 peage and in Massachusetts about six shillings per pound, which was approximately an equal price. Probably nearly the same value prevailed in early Rhode Island. Williams says that a fathom of white peage was at first worth ten shillings, that is, three for a penny; but by 1647 a fathom was valued at five shillings seven and three-fifths pence. Other records would indicate that peage was reckoned at the rate of three black or six white for an English penny. As early as 1649 the decline in the beaver trade had begun. The skins fell in value, and as they were the basis of the value of peage among the English, peage fell in value also. The commissioner's court declared that peage should be rated at four and eight per penny for the black and white respectively. In 1662 wampum had fallen so low in value that the general court declared it no longer legal tender and directed fines and forfeitures to be thereafter paid in current pay. Nevertheless peage continued to be received in local public dues and to be used among individuals for many years.

The periods of the paper money issues may be roughly divided according to the technical name of the kinds of money emitted. The first period lasted until 1740, when new tenor bills were first issued and all previous issues were called old tenor bills; the second period lasted until 1756, when the first issue of lawful money bills was made. The third period lasted until 1786, the date of the last issue of paper money.

The latter part of the seventeenth century was a period of widespread financial unrest and to England, involved in the costly wars on the continent and struggling for commercial supremacy, the value of a well-defined monetary system was of the highest importance. But while the transition from the system of barter economy of the middle ages to the modern system of money economy was nearly complete, banks having been already established in Genoa and Amsterdam, the nature of the new system was not clearly understood. England was

wedded to the "Mercantile theory", which emphasized the money forms of wealth and a favorable trade balance. The exportation of coin was prohibited. The landed interests, in bitter antagonism to the merchant classes, whose rising power they could not check, dallied with the notion of paper money issued against landed security by private companies, and King William himself, in 1696, subscribed £5,000 to a land bank scheme in which the notes were to be issued to the full value of the land pledged.

Thus the scarcity of coin as a money medium, noticed in Massachusetts in 1650 and in Rhode Island a few years later, was not an isolated phenomenon. With the true spirit of Mercantilism, many of the colonists attributed the absence of money to an unfavorable balance of trade, but instead of trying to remedy that condition by increased industry and decreased consumption of foreign products, they sought to stop the natural exportation of the precious metals by debasing the coinage. This was one of the reasons for the fact that under the mint act of Massachusetts of 1652 the value of the coins struck was about three-fourths of that of the corresponding English coins.<sup>1</sup> This attempt to prevent the exportation of coin as well as other laws passed by Massachusetts, giving legal values to foreign coins in excess of their bullion value, was a failure. In 1686 the paper money advocates first issued a private bank, and in 1690 the colony issued bills of credit to pay the expenses of the expedition to Canada. The bills at once depreciated to about two-thirds of their value, but legal tender laws were soon passed. In 1692 the bills were receivable for public dues at five per cent. premium, and their redemption was promised in one or two years. By these means they were raised to and maintained at about par. Thus England and Massachusetts had run the whole course of financial experience previous to 1700, and by 1710, when Rhode Island first issued paper money, New Jersey, New York, Connecticut and South Carolina were added to the list.

In 1704, at the request of Queen Anne's government, Sir Isaac Newton assayed the coins then current in colonies and set the value of the Spanish milled dollar at 4s. 6d. sterling or 6s. New England currency. Governor Cranston, when requested by the Board of Trade to legalize these values of foreign coins, explained that the trade of Rhode Island was so closely related to that of Massachusetts that the colony could do nothing effectively until the assembly should learn

<sup>1</sup>The following facts will be of value to the reader in converting the various money media during this period: An ounce of silver was worth in the sterling coin of England 5s. 2d.; in New England coin 6s. 8d.; the par of exchange between New England and old England was 133 1-3 to 100. The Spanish silver dollar or piece of eight was worth 4s. 6d. sterling and 6s. New England coin. In converting lawful New England money into Spanish dollars calculate 3 1-3 dollars to the pound. The Spanish silver dollar was worth a little more than \$1.07 of the present United States standard.

what attitude the neighboring colony intended to adopt toward the request. He claimed that Rhode Island bought foreign goods from Massachusetts annually worth £20,000, and if the statement is approximately true the drainage of coin from the local field must have been very considerable in amount.

Although, therefore, the more intelligent members of the community at least must have known of the evil economic effects of a depreciating currency, yet, when in 1710 the colony took an important part in the operations against Canada, the expenses arising in connection with the expedition and the alleged scarcity of currency furnished somewhat plausible economic grounds for the first issue of bills of credit. At the July session of the general assembly in 1710 the first issue of £5,000 bills of credit was authorized; at subsequent sessions in the same year £2,000 more were ordered, and in the following year £6,000 more. The laws authorizing these issues or soon passed as amendments to them, had they been observed, would have gone far toward maintaining the bills at or near parity with coin. The bills were made legal tender for all payments public and private except where "specialities" or other specific forms of payment were agreed upon. They did not bear interest, as did some of the Massachusetts issues, but by an act of October they were receivable for taxes at five per cent. premium; they were redeemable at the end of five years and the funds for their redemption were to be raised by taxes payable £1,000 each year. But the specific and implied pledges of the laws were unavailing. The taxing power of the central government was weak and those who possessed property, doubting both the colony's ability and intent to redeem the bills, received them only at a discount. Their suspicions of the integrity of the legislature were soon confirmed. The marvelous art of enriching one's self by running into debt was contagious and no sense of moral obligation availed to restrain the general assembly when once its members had tasted of the sweets of inflation. In any new community the debtors usually outnumber the creditors and the law making body here soon began to feel their influence. The first tax of £1,000 levied to redeem a portion of the bills was due on June 30, 1711. At a session of the assembly, convened on the 28th of that month, the tax was ordered to be used for the expenses of the second expedition to Canada. The taxes due in 1712 were delayed and in 1714 those of Providence and Newport had not been paid. Meanwhile the monetary question had become political. By 1713 distinct political parties were formed of those in favor and those opposed to fiat money. In that year a Providence town meeting issued a vigorous protest against the further issue of such bills. Queen Anne's war was over, and the hard money party then in power made some efforts to redeem the emissions. Unused military stores were sold and a proposition to burn £500 made by the house of deputies was laid aside pending an audit of



the treasurer's accounts. Repeated votes were taken in favor of burning some of the bills, but the committees, to which such matters were entrusted, and the treasurer himself were negligent. The assembly finally ordered £2,000 burned on April 1, 1714, but, although the audit in 1713 had found a balance in the treasury of £2,900 and £1,000 due from taxes, only £655 8s. 6*d.* were now on hand, and this sum, with £447 due from the sale of stores and ships, a total of £1,100 8s. 6*d.* was burned in the presence of the assembly in June. Thus of the £4,000 which should have been redeemed, only about one-fourth part was "sunk" at the time and no further taxes were levied for redemption purposes. In 1715 the paper money party was successful at the polls. All coins had disappeared from circulation by 1713. In 1710 silver bullion had been worth eight shillings New England standard an ounce; in 1715 an ounce of silver was worth over twelve shillings paper money; in 1711 exchange on England had risen from its par of 133 1-3 to 140 in Boston.

The struggle between the landed and trading classes then prevailing in England had its counterpart in New England. Massachusetts had issued its first bank in 1714.<sup>1</sup> South Carolina had issued a bank in 1712 based on both land and personal property. The success of the landed paper money party in Rhode Island in 1715 gave to it a control of the financial system which was maintained for over fifty years. Two issues of bank notes, amounting to £40,000, were authorized. Bank notes differed in many ways from bills of credit, although the face of the bill and the note were the same and both were colonial promises to pay. The bills had been issued to meet the demands of the treasury; the notes were issued and loaned to individuals on mortgage on lands appraised at double the value of the amount loaned. Borrowers were to pay five per cent. interest. The interest payment was not covered by the mortgage, but was secured by a personal bond of the borrower. The notes were legal tender; they were to be redeemed in ten years by the borrowers, and the law provided for the inspection of titles of mortgaged land and the renewal of both mortgage and interest bonds at the end of five years. The notes were apportioned among the towns according to their last tax assessment and loaned in sums not over £500 nor under £50 to each individual. They seem to have been subscribed for by some of the leading citizens of the colony. The interest on the notes, amounting to £2,000 annually, was to be used one-half for redeeming the outstanding bills of credit and the remainder for public expenses.

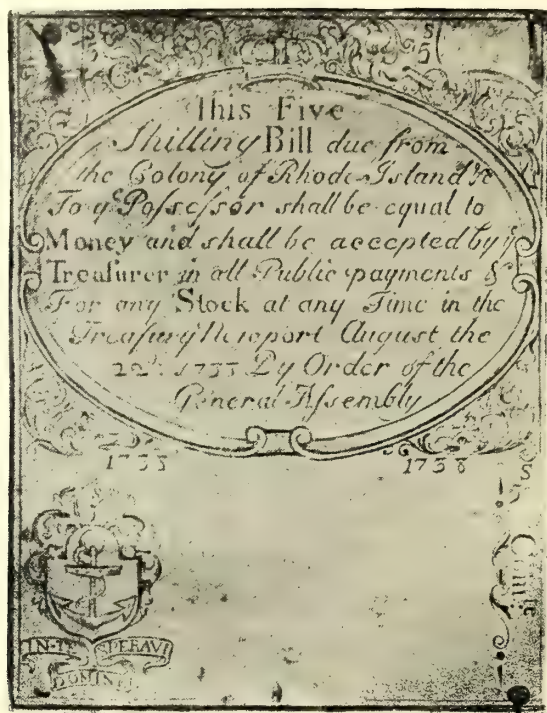
<sup>1</sup>In the present discussion bills of credit or the term bills will be applied only to the issues of bills by the colonial government and based only on the government's promise to pay. Bank notes or notes will be applied only to notes issued by the government to private parties on pledges of mortgages on real estate.

This venture in financial legerdemain had many advantages over an issue of bills of credit. The colony, with no available assets except a few public buildings, with no available income except from fines, which seem to have yielded in 1717 the sum of £1, and small amounts received from tonnage dues and the sovereign power of taxation which it could not then enforce, loaned its promises to pay to individuals at five per cent. interest and thus got an income from its debts. The government of the merchant classes, which had found it difficult to redeem its pledges with regard to bills of credit, now in the hands of inflationists, began to assist those who had borrowed from it in violating the terms of their agreement to pay. A requirement that the loans should be paid in the issues of the notes borrowed had obvious advantages, but it would not have suited the purpose of those who expected to pay their debts without labor. This section of the law was, therefore, repealed, and payments were allowed in the current money of New England. In 1724, the year before the mortgages were payable, the method of payment was changed to five annual payments with interest, and though in 1728 many had already paid portions of their principal, the payments were refunded and the method of payment was again changed to ten annual installments without interest. The bonds pledged for such payments were called "tenth bonds". Thus the redemption of this issue of notes promised in ten years was deferred for twenty-three years and then not completed. The collection of interest was more difficult than the collection of the principal, as the former was secured by a personal bond only, and the leniency of Rhode Island law toward debtors rendered legal process against them difficult to enforce. Borrowers not infrequently sold their mortgaged land and departed from the colony, thus leaving it without means for enforcing its claims for interest. In 1738 purchasers of mortgaged land were therefore required to give bonds for the payment of the interest; otherwise the mortgage was to hold for interest as well as principal and the subsequent laws providing for the issues of notes required that the mortgage cover both interest and principal.

To prevent counterfeiting, bills and notes were numbered and indented. Indenting a bill was a process of printing a scroll across the upper margin of it, corresponding numbers being printed both above and below the scroll. The scroll was then irregularly cut through, usually by shears, and the upper piece retained in the treasury; the bill with its irregularly indented edge being sent into circulation. Bills which when presented for redemption did not correspond to the portion of the scroll retained by the treasurer were declared counterfeits. When counterfeits became numerous it was necessary to call in the whole issue of the counterfeited bill and reissue it in another form. The indented bill was used in all issues until 1738.

The bills of credit of 1710 and the bank notes of 1715 are typical

issues of the first period of paper money issues. The assembly never lacked an excuse for a new issue and the reasons assigned in the preambles of the various acts of emission but thinly disguised the real sentiments of the advocates not only of cheap money but of constantly cheapening money. The colony was in debt; the colony house was out of repair—and to judge from the frequent mention of it, it must have been in a chronically dilapidated condition; previous issues were about to be retired; there was a scarcity of small change; a more plentiful money medium was necessary for the encouragement of trade; the



RHODE ISLAND PAPER MONEY, 1738.

fortifications, a subject dear to the English authorities, needed rebuilding, for though a state of war did not exist the imaginations of the Rhode Island legislators readily anticipated one in the near future and preparation for it was important. Changes were rung on these and other excuses *ad nauseam*.

The bills and notes were not, however, all issued for public purposes. That paternalism of government which was normal to the teachings of Mercantilism found here its illustration in a system of assistance to



industry by means of bounties. In May, 1721, a loan of £200 was made to Samuel Bissell, a blacksmith of Newport, for "improving the nail trade". In the same year £40,000 bank notes were emitted, and hemp at 8*d.* and flax at 10*d.* per pound were receivable in payment of the interest. In the following year an exclusive bounty on duck was granted to William Borden at the rate of £1 for every bolt. Subsequently Mr. Borden got a loan of £500 for three years with interest, and later another loan of £3,000 for ten years without interest. A bounty on hemp for seven years had been provided by a law of 1721 and it was renewed in 1728. The interest of a bank of £60,000, issued in 1728, was devoted to paying bounties on hemp, flax, whale oil and whalebone. At this time Newport was largely engaged in commerce and ship building, and such measures must have tended to conciliate the commercial interests of the state which were opposed to fiat money. Shrewd political moves on part of the paper money advocates were numerous. One-half the interest of a £40,000 bank issued in 1721 was refunded to the towns "to improve as they shall think fit in the management of their prudential affairs". The interest of the two £100,000 banks, emitted in 1733 and 1738, after providing for a few specific objects for a year or two, was divided equally between the colony and the town. In this way from 1722 to 1748 sums varying from £1,000 to £2,900 were annually legislated into the town treasuries. The legislature, however, seems to have been as unable to fulfill its agreements in this matter as it had previously been in regard to other similar engagements. In 1735 of the £2,500 due to the towns only £956 18*s.* 6*d.* were paid.

From time to time the colony also emitted small sums of bills for treasury purposes. There were also large amounts issued to withdraw counterfeited and old and torn bills from circulation, and as the amounts ordered for these purposes were usually the amounts of the original issue of the denomination in question, while the amounts actually redeemed fell short of the original sum, there was always a large excess of such reissues left for treasury uses. Of an issue of £46,634 in 1726 to redeem counterfeited bills only £30,383 had been called for by 1739 and the surplus in the treasurer's hands was £16,251.

Between 1710 and 1739 inclusive the colony authorized £22,300 of original issues of bills of credit; and £380,000 of original issue of bank notes and it issued £94,701 to redeem counterfeits and old and torn bills and notes—a total of £497,001. During the same period the sum burned was £105,704, leaving outstanding in 1740, £391,297. At the same time Massachusetts seems to have had outstanding about £230,000. The amount of the tenth bonds due on the various banks previous to 1740 was £60,000.<sup>1</sup>

<sup>1</sup>How much of this sum was included in the £105,704 mentioned as burned

The population of the colony was approximately 24,000, the per capita debt, including all the notes, was nearly £16.3, and excluding the overdue notes about £13.4. The number of borrowers of the £40,000 bank of 1728 was about 550. If the number of borrowers in the other banks outstanding in 1739 were proportionately as numerous, and such an estimate was probably well within the mark, the number of debtors exceeded 4,100, or an average a little higher than one person in every six of the total inhabitants. Of the heads of families it would seem that nearly every one was in debt and that every land owner had burdened his land with mortgages. The state was debauched with paper money. Issue after issue had been added to the already depreciating mass by legislators who knew, and whose debtor constituents knew, that each new bank would not only enable them to borrow with greater ease, but that the impetus given to depreciation would enable them to pay their debt in a currency much less valuable than that which they had borrowed. Repudiation was not even thinly disguised and as Collector Kay had declared in 1721, the widows, the orphans and those who had only money incomes suffered most. Numerous acts for the relief of debtors were passed. In 1731 a law granting legal release to insolvent debtors who could make terms with two-thirds of their creditors was enacted, although it was repealed soon afterwards. The courts were crowded with cases and the prisons with debtors. In 1739 the plaintiff in an action was required to pay the board of the defendant while the latter was confined in jail. Debtors refused to pay their obligations and protracted their cases in courts by legal subtleties and appealed to England from judgments obtained against them until in 1750 the assembly voted that appeals to England, on bonds promising a sum of money only, should no longer be allowed.

The depreciation of paper money is difficult to estimate. The official reports invariably underestimate the value of silver and figures covering actual transactions in foreign exchange are not sufficiently numerous to be averaged. They thus represent perhaps but for a day or two rather than for lengthy periods the true state of paper depreciation.<sup>1</sup>

As the bills of each of the colonies in New England circulated throughout the others the values of the issues of each was dependent upon the issues of all the others. In 1721 exchange on London was 3.55 for one and though Governor Ward quotes silver at 16s. an ounce, the real price was therefore 18s.

there is no means of knowing. The figures given in the text do not correspond with those in the official reports for the reason that such reports were always "doctored" for the occasion.

<sup>1</sup>Allowance must always be made for the difference already noted between the old England and the New England standard in estimating depreciation by means of rates of exchange.

In the same year an English half-penny was declared equal to three half pennies of local money in all public payments. In 1723 sterling exchange was purchased at a rate of 2.6 paper for 1 of coin. This appreciation of paper may be due to the restrictions on Massachusetts issues, which had been somewhat effective since 1720. Governor Shute and other royal governors in the colonies had been instructed not to allow issues of bills of credit except such as were necessary to meet current expenses of the administration unless approved by the King. These instructions were sent to Governor Cranston of Rhode



RHODE ISLAND PAPER MONEY, 1738.

Island in 1724, but were not applicable because a governor had no veto power and could not control the acts of the legislature, and because the charter did not provide for the submission of the acts of the R. I. assembly to the King. From this time until the practical interdiction of paper issues by Parliament in 1751 the value of Rhode Island credit money became largely dependent upon the field offered for its circulation in the neighboring colonies. In 1728 Governor Burnett arrived in Massachusetts bearing express instructions not to permit issues of



bills in excess of £30,000, except with the sanction of His Majesty, and subsequently the order was extended to all the colonies, but this, like the former order, was not observed in Rhode Island. The limitation of paper issues in Massachusetts was a tempting opportunity for the neighboring states. Rhode Island therefore issued £40,000 in 1728, £60,000 in 1731 and £100,000 in 1733, but despite the larger field offered for circulation, these large additions to the currency depreciated rapidly. Sterling exchange rose from 2.3 for 1 in 1729 to over 5 for 1 in 1733. The action of Rhode Island aroused the jealousy of the paper money in Massachusetts and government issues being limited by Governor Belcher, a private land bank of £110,000 was issued at a nominal rate of 19s. for an ounce of silver, but the cheaper Rhode Island money, which was then 27s. for an ounce of silver quickly drove the private bank notes from use.

Within the colony itself the hard money party assumed the offensive. A vigorous protest to the issue of 1731 asserted that the course pursued by the assembly in opposition to the express wishes of Parliament endangered the charter. The protest was disregarded and the signers sent their objections to England asking the authorities to interfere. Governor Belcher was exercising his veto power effectively in Massachusetts, and Governor Jenckes of Rhode Island, being opposed to paper money, placed his dissent at the bottom of the act of emission of 1731. This action caused great dissatisfaction and a special session of the general assembly was convened by the deputy-governor to consider the legality of the veto power thus seemingly assumed by the governor. But there were more fundamental constitutional questions involved than the right of the executive to dissent from an act of the legislature and it is doubtful whether, considering previous instructions which the governor had received from England, directing him to prevent excessive issues of paper money, he was not simply conforming to such orders. It is true that the charter had not provided any specific method for the submission of the acts of the assembly to the governor for approval or disapproval, nor to the authorities in England, and the scope of legislative power was limited only by the vague expression that its enactments should conform to the laws of England as far as local circumstances would permit. The Rhode Island general assembly, moreover, had interpreted the charter so liberally as to enact all of its laws in entire disregard of English precedent. In this case, however, Governor Jenckes might well doubt that local conditions were such as to warrant the passage of a law in direct opposition to the wishes and orders of the home government. The real question at issue therefore was not only the veto power of the governor, but the determination of whether the home government or the colonial government was to be the final arbiter of the necessity of laws passed in the colony. Not alone the veto power of the governor, but the conditional veto

power of the home government, clearly implied in the charter, was at stake. Whether the full import of the issue was understood in Rhode Island is not now known. When, however, Governor Jenckes sent to the king a request for decision as to the matter he confined his questions to the veto powers of the governor in general, and failed to ask regarding the validity of this particular law or the method of testing the validity of any law which seemed to contravene the orders of His Majesty. Moreover those who had protested against the act in a petition to the Board of Trade, while distinctly explaining the nature of its illegality, then proceeded to ask the more general but less important question as to the necessity of submitting an act of the legislature to the king in council. The questions being thus narrowly limited, the answers of the king's officers could have but one meaning. They simply explained that the governor had no veto power, and that the charter made no provision for the reference of the acts of the legislature to the king before they could be considered valid. The validity of the law, they pointed out, did not depend upon the approval of the king, but on its conformity to the laws of England as closely as local conditions would permit. If it did not thus conform it was *ipso facto* void, but they did not explain who was to determine in any specific case whether a law was or was not void. Thus the replies, like the questions, failed to touch the most vital point involved, but the king's officials hinted at it when they significantly said that it did not then seem expedient to attempt to enforce the law limiting the issues of paper money in the charter colonies. Twenty years later, however, this question was settled by the peremptory law of Parliament, which might equally have been enacted and enforced in 1731.

The paper money party seemed, therefore, to have been sustained by the home government, and at the spring election in 1732 members of the Wanton family, advocates of fiat money, were elected governor and deputy-governor, and the judicial, legislative and executive departments of the colony were vested in the hands of inflationists. This success of the paper money advocates in Rhode Island added to the bitterness of feeling between the chief executive and the legislature in Massachusetts. The legislature desired to issue more paper, and Governors Shute, Dummer, Burnett and Belcher were, one after the other, tired out by the persistence of the Yankees. The first so-called sugar act dates from these years, and thus to the restrictions on colonial paper issues was added the restriction on colonial commerce; the two chief causes of the Revolution originated at about the same time.

No further issues were made by Rhode Island until 1738, and as the issues of Massachusetts were limited, the rate of sterling exchange varied but little during the intervening years, being about 5.4 for one. In 1737 Massachusetts issued the first batch of so-called new tenor bills, and in 1739 the general court ordered that no bills of other colonies

should be circulated unless payable in lawful money, *i. e.*, silver and gold. Rhode Island at once accepted the situation and in the following year issued its first bank of new tenor bills, and made them payable in gold and silver bullion. By prophetic coincidence the emissions previous to 1738 had borne the motto "*In Te Domine Speramus*"; those of 1738, the last of the old tenor banks whose circulation was thus forbidden in Massachusetts, bore the motto "*In Te Domine Speravi*."

Before describing the new tenor period a brief account of the expenditures of the peace period will be presented. No classification of such expenditures, however, is possible because the treasurer's accounts were kept in alphabetical books and payments were made to individuals, no mention being made of the objects of the payments. The period of peace from 1713 to 1739 was one of commercial development. The central government emerged from its somewhat experimental state. No longer dependent upon local taxes for its income, the weakness of its authority, previously most conspicuously shown in its fiscal relations to the towns, ceased, and having the pecuniary resources to execute its projects, it began to exercise a degree of sovereignty which before it had only theoretically possessed. A degree of paternalism also toward local authority became possible as new towns were set off from the four original towns—such new towns being creatures of the general assembly and deriving their whole powers from it. They were usually composed of the agricultural section of the state where the land bank note system had its strongest advocates, and many of them seem to have been created partly at least for the political assistance which their representatives would give to the party in power. In 1731 Providence was divided into four towns, three of them being wholly agricultural, and their representatives took their seats in the general assembly for the first time during the heated discussions which have just been described. The dominant party, therefore, represented the new and the country towns, and under such conditions the paternalism of the central government was much more congenial to the localities than it would have been at an earlier period when the four original towns had comprised the whole colony. From this time dates that feeling of antagonism between the urban and rural districts, which had since persisted in a marked form. The towns, being politically in control of the central government, also began to depend upon it for assistance. In the first fifty years of the settlements the local governments had sufficed for emergent occasions and many of the colonial laws merely confirmed local custom. Within this period when an occasion arose for the exercise of an unused power the towns began to ask for such powers from the general assembly. The town of Newport, for instance, had always imposed taxes in the form of public service for the watch and for mending the roadways—such an imposi-



tion being in the nature of a per capita tax on males of age, but when the right to levy a money tax for these purposes was desired, the authority to do so was asked from and granted by the colonial assembly. The colony also exercised its paternal policy in providing for extensive internal improvements. Beginning in 1711 with an appropriation of £200 for bridges in Providence, large expenditures for many years were made for bridges and highways. Within the town of Newport the principal street was paved by the proceeds of a duty on slaves of £3 each, and when in 1732 the duty was abolished, a lottery was instituted for the same purpose. Piers were erected at Block Island and Point Judith and every material encouragement offered to a growing commerce, while bounties were granted, as we have already seen, for many of the local products. Governor Belcher in Massachusetts urged the extension of the system of bounties to other agricultural products than hemp and flax, believing that industry would thereby be stimulated and enough goods produced to offset the unfavorable balance of trade. He thought that the money metals might be retained in circulation and paper issues would then be unnecessary. But his advice was not followed in Massachusetts and its wisdom was not likely to find favor among the farmers of Rhode Island, who believed borrowing a much easier way to get money than working for it.

Under the bounty act of 1733, which was repealed in 1745, the colony paid out about £1,300 annually. The bounty system was a failure, as was subsequently acknowledged by its advocates, but whether because of the depreciating value of the specific rates payable under it or because of the greater profitableness of other forms of industry or both is not quite clear. The amount paid increased from £431 in 1733 to £1,781 in 1738, but did not again reach the latter figure.

In a typical year of this period, 1735, the total expenditures were a little less than £5,800 paper money, or about £1,300 sterling. The items were as follows: Refunded interest to the towns, £956; repairing the jail at Providence, £289; Block Island pier, £1,100; bridges in Newport, £50; chairs for colony house, £27; cannon for the fort, £300; paper money burned, £1,015; bounty on hemp, flax, whale oil, bones and codfish, £910; miscellaneous expenses, including salaries of all officers, £1,152.

The judicial system, though extended and rearranged in 1729, continued to be supported by a system of court fees. The fee system prevailed in almost every department of public service; a fee of £4 was imposed on every petition presented to the general assembly, and the proceeds of this tax on the right to address the legislature was distributed among the members of the upper and lower houses. In 1721 the salary of the assistants was increased to £10 per annum, and the wages of the deputies were raised to 6s. per day. The cost of maintaining the agent in England was at times a heavy charge. His

## STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

salary remained at £40, but the incidental expenses of feeing, tipping and treating the crown officials and their lackeys in order to get a hearing, averaged more than the salary.

The evil effects of the paper money system showed in local expenditures as well as in colonial. In 1719 the appointment of vendue masters or auctioneers became an annual duty of the freemen. A tax of two and one-half per cent. on the price of the goods sold was paid to the local treasury. In 1723 the town of Newport first voted to erect an almshouse, and in 1725 the mainland towns were authorized to build houses of correction for vagrants. The care of the poor constituted the heaviest local burden. Education in Portsmouth was provided for in 1716, and in a few years two additional school houses were built by the town. In 1735 thrifty Providence, with the permission of the general assembly, granted to George Taylor the right to keep school in the county house.

The receipts from imports were appropriated to the lighthouse or to the fort, usually the latter, but no statistical account of them is possible. The colonial government was continually endeavoring to oblige the collector of customs, who was appointed by English authority, to charge only the fees set by its own laws and in most cases seems to have succeeded. The naval officer appointed by the governor had charge of the entrance and clearance of vessels and collected tonnage duties. The duties already noticed during the earlier period seem to have been abolished. In 1731 a duty was laid on sugar manufactured in the neighboring colonies, and in 1732 a tonnage duty of six pence per ton was levied on all foreign vessels on each entry into the harbor, and on all coasters an equal sum once each year to be used for the fort.

We shall turn now to the new tenor period lasting from 1740 to 1756.

The new tenor period was brief but was marked by events of prime fiscal importance. In 1744 direct taxation of property was again resorted to, and in the same year the lottery was introduced to provide for internal improvements. In 1751 restrictions were placed upon note issues by Parliament, and in 1752 the colony for the first time began to accumulate a permanent debt.

The war between England and Spain in 1739 marked the close of the peace period of Walpole, and just as the advocates of hard money were beginning to gain a foothold in Massachusetts the preparations for an expedition against the Spanish West Indies furnished a new excuse for further paper money issues. The opportunities for the circulation of the issues of Rhode Island in Massachusetts seem to have been but slightly changed by various laws enacted by that colony and by Parliament. Those of the former which were restrictive seem to have been entirely disregarded.<sup>1</sup>

<sup>1</sup>The Mass. law of 1739 prohibiting the circulation of bills not redeemable in lawful money, was followed by a Parliamentary enactment of 1740 extend-

The emissions of 1740 were of two kinds: £10,000 old tenor bills of credit for the supply of the treasury to meet war expenses, and £20,000 new tenor bank notes. The old tenor differed in form from the new tenor in that in the former the colony of Rhode Island promised to pay the number of pounds, shillings or pence expressed in the face of the bill in money; in the latter it promised the payment of the face of the bill in silver at a rate of six shillings nine pence per ounce, or gold at the rate of £5 per ounce, or "in any medium of exchange" "as will be equal to so much gold or silver". The bank notes were to be loaned for ten years at four per cent. interest, and the loans were to be payable in the bills themselves or in their legislative equivalent in coin.

The standard adopted at the recommendation of Parliament conformed quite closely to the New England standard, which was six shillings, eight and two-thirds pence per ounce, and it had the additional merit of being a little cheaper money than the Massachusetts bills at a standard of six shillings eight pence per ounce of silver and therefore would circulate in Massachusetts. The new tenor bills had scarcely been sent on their way when increasing expenditures and a decreasing income made other financial expedients necessary.

The expenditures of the colony for the year ending in August, 1740, had been about £9,100 in addition to £4,921 for the colony house at Newport. In 1741 they were £29,650 and an additional £3,300 for the colony house. They decreased to about £11,000 in 1743 but rose again to £16,500 in 1744, and for the four years 1741-44 averaged over £22,000 annually. Meanwhile the income of the colony decreased. In 1740 the interest payable on the outstanding banks annually amounted to £8,000. In 1741, by the expiration of the banks of 1731 issued for bounty purposes, £3,000 of interest ceased. In 1743, £2,500 more ceased, and in 1744 the total receipts from interest, had the whole been punctually collected, would have been only £2,500. The bounties alone due that year amounted to over £1,766. As the effects of the depreciating currency increased the payment of mortgages became more difficult. Tenth bonds also were constantly defaulted. A plan of electing a colonial attorney for each county had been adopted in 1740 in order to facilitate legal redress by the colony against its debtors, but it was abandoned in 1742, and the prosecution of such cases was left to the attorney-general. In 1741 there were 539 suits on

ing the provisions of the Bubble act of 1720 to the colony. The issue of circulating notes based on land or specie by private parties was thus forbidden and such issues already made were ordered to be redeemed. This curtailment of paper money was met by a further law of Parliament, repealing the law of 1728, under which governors had been instructed not to allow the circulation of more than £30,000 paper money at any one time. In 1743 Massachusetts prohibited the circulation of bills which had been issued by neighboring colonies after 1742.



bonds pending in Providence county alone. In 1742 1,040 more were instituted. According to the reports of the treasurer, who was responsible for their prosecution, there were overdue bonds of towns in his hands amounting to £10,234; there were bonds in suit amounting to £5,000 and in the attorney's hands amounting to £4,902. The industrial resources of the colony were drying up with the fever begotten of its financial excesses. Four thousand pounds new tenor bills had been emitted in 1741 to meet the cost of the reinforcements sent to Santiago, but Parliament, spurred on by the protests of the Massachusetts and Rhode Island hard money parties, was closely watching the issues of the colonies. Agent Partridge used his best efforts to allay the suspicions of the home government at a cost of £900 for his services. In the absence of active warfare in the colonies Rhode Island kept the sloop *Tartar* on the Spanish main at a cost of nearly £15,000 in four years. In the four years, 1741-44, the total expenses were £88,500. The income, had it been collected, would have amounted to £75,700, of which £52,000 were tenth bonds, which should have redeemed a corresponding number of outstanding notes.

In February, 1744, a bank of £40,000 new tenor was issued in spite of a most earnest protest by a not insignificant minority of the legislature. This bank was loaned at four per cent., although the real rate of interest was much higher, and one-fourth of the interest money was refunded to the towns annually. To the protests the legislature replied in May by the issue of £2,500 bills of credit, and levied a tax of £10,000 old tenor payable in nine months to redeem them with. It had been just thirty years since any tax had been assessed, and although this tax was used for other purposes and the redemption of the bills deferred to 1748 and 1749, the taxing power which had so long lain dormant was again exercised and a noteworthy step in advance was made in fiscal methods. In October the first lottery was authorized to furnish funds for building a bridge at Weybosset (now Market Square) in Providence. It was for £15,000. One thousand prizes valued at £12,000 were offered, thus leaving £3,000 for the bridge. The venture was a success. The bridge was built for £1,610 7s. 4d., and a balance of £1,389 12s. 8d. was invested in 1750, the interest to be used to keep it in repair. The property tax, which had been again resorted to as a war expedient, was thus supplemented by the lottery to provide for internal improvements.

The beginning of the war with France in 1744 dulled the hopes of the hard money men, and from that date until the declaration of peace in 1748 bills of credit were issued every year. From 1740 to 1748 new tenor bills amounting to £58,650 were issued (equivalent to £234,600 old tenor). £96,000 old tenor had been issued to redeem the bank of 1740, but not a shilling of all these issues was redeemed. Two banks of new tenor notes, equivalent to £240,000 old tenor, had also been

emitted. The total calculated in old tenor was £570,600. There was outstanding in 1740 of previous emissions of bills of credit the sum of £117,001 and of bank notes £380,000. At the beginning of 1749, therefore, Rhode Island had issued and seemingly not redeemed £1,067,601. A few thousand pounds of a recalled issue of 1740 were redeemed by a special committee, but there is now no evidence that any considerable portion of the total issue was exchanged.

When, in response to a representation in 1746 from Rhode Island and other colonies, Parliament in 1747 decided to reimburse the colonies for the expenses in the Cape Breton and Canada expedition, £800,000 sterling was appropriated for the purpose. The Massachusetts share was £183,649 2s. 7 1-2d., and with this and a tax of £712,000 old tenor, all of its old paper was redeemed. Had Rhode Island maintained during the previous ten years an attitude of honorable dealing with the holders of its bills of credit, the same course would have been quite possible though not quite as easy. Of the sum outstanding in bills of credit the colony had already pledged to redeem those issued previous to 1746 by taxation. This sum was £24,900 new tenor or £99,600 old tenor. Of the sum emitted for the expedition to Louisburg and Canada, amounting to £33,750 new tenor or £135,000 old tenor, the allowance from England of £12,338 sterling would have redeemed (at a rate of 10 1-2 to 1) £129,550, leaving only £5,450 old tenor to be redeemed by a special tax. If to this sum is added the £117,001 outstanding in 1740, there would have been but £122,451 old tenor to redeem and a per capita tax of £3 14s. would have sufficed. The per capita tax necessary to redeem all Massachusetts bills was about £3 5s. Even had all the taxes pledged to redeem the bills issued between 1740 and 1745 been levied at one time in Rhode Island, the total would have required a tax of about £6 14s. per capita, and the sacrifice would have been slight in comparison with the losses subsequently sustained by a continuance of paper issues.<sup>1</sup>

The feeble effort to redeem its bills then made by the general assembly seems to have been scarcely more than an attempt, of which that body had been so often guilty, to persuade the public that it was trying to be honest, although its whole course then and for some years after proved the opposite. Governor Wanton in 1748 drew on the lords of the treasury for £10,144 9s. 6d. and the amount was allowed to Agent Partridge. Deducting £507 4s. 6d. for commissions and charges

<sup>1</sup>The outstanding bank notes amounting to £640,000 and the £96,000 emitted to exchange the bank of 1740 are not included in the above calculations of the cost of redeeming the colony's paper issues, as they either had been redeemed or the colony held mortgages of nominally double their value against them and the notes should have been redeemed when the mortgages were cancelled. Massachusetts had issued no bank notes since 1728. Much of the disposition to excuse the colony for its thoroughly dishonest procedure at this time has arisen from failure to distinguish between the amounts of bills of credit outstanding and the notes of the various banks.

there was a net of £9,637 5s. sterling applicable to the redemption of bills. Of this, however, only £7,800 was used for that purpose and £88,725 of the bills redeemed. The remaining sum was devoted to paying other debts of the colony. There was in the treasury £24,000 bills of old tenor. These were used for general purposes. Of taxes of £17,500 new tenor which had been pledged in 1740-45 to redeem the bills of credit then issued and were to be levied between 1748 and 1752 only £5,000 were assessed and they were diverted to other uses. At this time as at earlier dates there was no earnest effort to redeem the outstanding bills.

Instead, and in violation of the express wishes of the home government the servile house of deputies, in response to a large number of petitions, passed another bill in August, 1750, for emitting £50,000. The bill did not pass the upper house owing to final adjournment without a quorum. Another bank of £25,000, however, was emitted in March, 1751, the interest to be devoted to paying bounties on hemp, flax, woolen manufactures, whale oil and codfish. The bounties promised by this issue were repealed in the same year, but no attempt was made to recall the issue. It was the last bank emitted for thirty-five years.

The first emissions of bank notes had been subscribed for by some of the better classes of people. The maximum and minimum limits to the amounts subscribed for by a single individual were £300 and £50. In the issue of 1744 the limits had been reduced to £100 and £6. In the issue of 1750 the limits were £37 10s. and £3. Only the poorest and lowest classes were now borrowers. The rights to subscribe had in each successive bank been confined, for a period of two or three months, to those who had not before subscribed. The multitude of debtors far exceeded the opportunities to borrow and the fortunate ones found themselves able to sell their rights at a premium, which was probably determined by the anticipated depreciation of the bills. The committeemen of the various towns who allotted the loans began to charge for transfers of rights and doubtless fattened on the needs of their neighbors until their extortion was checked by the legislature. They were forbidden taking more than 1s. 3d. for each transfer.

With an assurance worthy of a better cause the assembly calmly asserted that "the one great and principal cause of the depreciation of bills of public credit" was "the illegal practice of some persons giving and offering more of them for gold and silver than the face value". A force bill was therefore enacted to aid the value of these bills. Any persons "who either by themselves, or by the procurement of others, wittingly or willingly, directly or indirectly, shall after the 10th day of May, 1751, contract for, settle, account, allow, receive, take or pay at any greater or higher rate for any silver, gold or bills of exchange, than at which the same is hereby regulated, settled and



allowed" were to be fined £50. Executions were to be granted by the court only upon oath of the plaintiff that he had conformed to the law. All public officers were required to take similar oath before they were qualified to act. All traders from outside the state were subjected to a like pledge. A law fixed the equivalent values of this and other issues at one ounce of silver—6s. 9d. of the bills of 1750—16s. new tenor—64s. old tenor. All of these values were expressed in the note, the weight of silver being expressed in the body, the value in new tenor in the upper margin and the value in old tenor on the back. Death was the penalty to counterfeiters.

The passage by the house of deputies of the bill to emit £50,000 of bank notes brought forth a final and effective protest from seventy-two of the leading merchants of the colony to the king to prohibit further issues of paper money. The assembly wrote to Partridge to oppose any and all such legislation and repeated all the usual jargon about its anxiety to preserve the "valuable liberties and privileges" of the charter. Partridge wrote that through his efforts "the sting" was taken out of the bill, but Parliament passed the act on March 12, 1751, prohibiting any issues of paper money subsequent to September 29, 1751, with some exceptions; it prohibited the postponement of the time of payment of bills and notes already issued; it allowed the issue of bills of credit for not over two years, for current expenses, on the approval of His Majesty; it provided for the issue of such sums as were needful on the occasion of sudden emergency such as war or invasion, for five years, with the approval of the home government; it declared that no bills of credit or notes should be legal tender for debts.

The applicability of a Parliamentary law which required an act of Rhode Island to be submitted to the king or his government, which was a violation of the charter right, had been questioned, as has been noted, as early as 1724. Such reference of Rhode Island laws was in 1731 decided to be beyond the scope of royal power, and now although the spirit of the law was observed, the clauses relating to the approval of the king were entirely ignored; the colony emitted bills as it judged needful, but did not submit such measures to the home government. In June, 1751, a scale of equivalents was adopted for debts. Six shillings nine pence of the notes of 1751 or 16s. new tenor or 64s. old tenor were declared equal to one ounce of silver, and debts expressed in terms of the various issues were to be paid in as many bills as at the time of payment were equal to an ounce of silver. Thus silver bullion or its equivalent was made the only legal tender for debts.

During these years depreciation went on with increasing but irregular pace. In 1747 when the colony declared the legal rate of exchange to be 5.5 for 1, it paid the wages of the officers serving in the Canada

expedition at a rate of 7.5 for 1. In the same year the treasurer bought £500 sterling for £4,550 old tenor bills, a rate of a little over 9 for 1. In the latter months of 1748 the assumed legal rate of exchange was declared to be 5.7 for 1; it probably was about 9 for 1. In January, 1749, Massachusetts adopted the coin standard and prohibited the circulation of all paper money. Rhode Island bills in February dropped to a rate of 10.5 for 1. Paper money was like a seat in a stage coach; its possessor paid for its use by the hour.

The trade of Massachusetts in West Indian products, which before 1749 was almost wholly through Newport, was driven at once to Salem and Boston. It was a commercial disaster from which the colony never recovered. Heavy failures occurred in 1752. Providence was authorized to build an almshouse in 1753. A general act of insolvency was passed in 1756. Driven thus by force of circumstances the colony began to provide for the redemption of its paper money, but the first tax of £25,000 was scarcely ordered in 1754 when war began again. The colony tried to supply its war needs by loans, and it borrowed £4,000 old tenor, but so great was the industrial depression that 10 per cent. interest was paid and the old expedient of bills of credit was again resorted to. Within the year 1755, £240,000 old tenor bills were emitted for the Crown Point expedition. According to the order of Parliament they were nearly all redeemed within two years, partly by taxes and partly by the issue of interest bearing treasury notes. In the following year £14,000 bills were emitted for a second similar expedition. These were the first so-called lawful money bills, but except the law of 1751, already noted, there was no colony act defining lawful money. Such acts had, however, been passed by the two neighboring colonies and the bills of 1756 were therefore made payable to bearer in lawful money of Massachusetts or Connecticut. Massachusetts's lawful money being 6s. 8d. per ounce of silver, these bills promised payment at the same rate, instead of 6s. 9d., as all previous issues of new tenor bills had specified. They were redeemed within two years. As war expenses rapidly increased the legislature, now become solicitous for the credit of the colony, directed the treasurer to borrow gold, silver, bills of 1756 or old tenor bills at 6 per cent. interest in sufficient sums to meet the needs of the treasury, payment to be made December, 1759. Although gold and silver were promised in payment of all but the old tenor bills, and the right was reserved to pay them at the rate of \$1 in silver for every £5 10s. paper, which was a very high premium, paper being then current at more than £6 for a Spanish dollar, the loan could not be negotiated. The assembly had granted to the treasurer the alternative of issuing lawful money bills payable in two years. The bills, however, were emitted for five years, carried five per cent. interest, and promised payment at the rate of 6s. 9d. for one ounce of silver. The law provided that a milled dollar

should at all times be taken in lieu of 6s. of them. In view of the inability of the colony to borrow money in any other way these interest bearing bills were a forced loan. Protests were made against the rate of interest by some members of the country towns, who were always jealous of the moneyed classes. They claimed that three per cent. was high enough and that the bills would be hoarded, and indeed their prediction proved true to some extent. Meanwhile old tenor bills still circulating continued to depreciate—a condition which could not fail to follow the vagaries indulged in by the assembly on the slightest provocation. In 1756, of a tax of £70,000 levied to redeem the Crown Point bills, only £52,271 seems to have been collected, and instead of burning the bills £33,841 were placed in the general treasury and only £18,430 destroyed. In 1756 the Spanish silver dollar was declared equal to £4 old tenor of the Crown Point bills. For purposes of redemption this rate placed a high premium on the bills, as the current rates were about £5 5s. for \$1, or nearly 18 for 1; sterling exchange being therefore above 23 1-2 for 1. In June, 1763, the assembly declared gold the only legal tender in contracts unless otherwise specified. In the following year the last notes of the ninth or last bank were called in and the name "old tenor" was abolished. The notes and bills were to be redeemed by the colony at a rate of £7 for 1 silver dollar. In 1770 a law was passed by which the circulation of old tenor bills was prohibited after January 1, 1771, and they were to be redeemed by treasury notes having one year to run, payable in lawful money at the rate of 6s. lawful money for £8 old tenor. As lawful money was at that time at par with English coin, old tenor had fallen to 26 2-3 for 1 lawful money or about 35 for 1 sterling.

The large issues of lawful money from 1758 to 1762, although their interest rate caused them to be hoarded and though their payment was pledged by taxes and by the receipts from England in payment of war expenses, depreciated, being in 1762 at five per cent. discount. The two taxes of £19,000 levied in 1763 and 1764 brought them to par in the latter year and they remained so until the outbreak of the Revolution. From 1756 until 1774 there were issued of lawful money bills £96,909 and of old tenor £240,000. During the same period the treasurer seems to have borrowed £9,000 lawful money and £210,000 old tenor. From 1756 to 1764 there was received from England in payment of expenditures for war £56,928 4s. 3d. sterling, equivalent to £75,904 5s. 11d. lawful money. Taxes were assessed amounting to £157,015 in lawful money and also £686,687 in old tenor. The old tenor taxes reduced to lawful money at the various times levied amounted to about £35,000. In the twenty years, therefore, from 1754 to 1774, the taxes levied amounted to about £192,000 lawful money, an average of £9,600 annually. Taking the average population at 50,000, the annual per capita tax was less than 3s. 10d.



The permanent debt, which began in 1752, accumulated during the seven years war and in 1764 was about £70,000 sterling or £93,300 New England standard. In 1775 it had been reduced to about £4,000.<sup>1</sup>

The colonial and state finances of the Revolution are inseparable from those of congress and the confederation. The colony, however, attempted to meet the extraordinary demands made upon the treasury in this period as it had those of the previous sixty years—by the issue of paper money. The bills issued in the early part of 1775, amounting to £40,000, carried interest at 2 1-2 per cent. and were redeemable by taxes one-half at the end of periods of two and five years. They were not legal tender. In June, 1775, the continental congress began to issue bills of credit and in August they were made legal tender, and the same quality was given to subsequent colony and state issues. A colony issue of £20,000, ordered in November, carried no interest and as the other colonies had generally issued non-interest bearing bills, Rhode Island recalled its interest bearing bills. In January, 1776, it ordered that interest should cease on them. They were redeemed by another issue of £40,000 and by the proceeds of the first assignment of continental money to the state by congress in payment of war expenses. The colony claims against congress in January, 1776, were about £150,000. A partial payment of £120,000 was received from congress. During these two years the colony issued £152,000 of bills of credit, those in 1776 being due six years from date. In December of the latter year a price convention was held in Providence; goods had already begun to rise and money to depreciate, and it was recommended by the states there assembled that no more paper issues be made except in extreme emergencies and that taxation and loans be solely depended on as financial resources. The recommendation was followed in letter at least by Rhode Island<sup>2</sup> for four years. The treasurer was at once ordered to hire £40,000 and to give his notes for it, payable in two years and bearing six per cent. interest. No note was to be issued for a less sum than £10. A tax was to be levied to redeem the notes, but in case that was impracticable they were to continue to bear interest at the usual rate among the states. In the following February £50,000 of treasury notes were issued bearing only four per cent. interest. The time of payment was not specified and though the former issue had been receivable for taxes the latter issue was made full legal tender. The difference between these treasury notes and the bills of credit was therefore one of form only. They at once depreciated, but as continental bills had come into general circulation and had depreciated even more, the state treasury notes were hoarded. Early in 1776 specie had disappeared from circulation and a committee of fifty

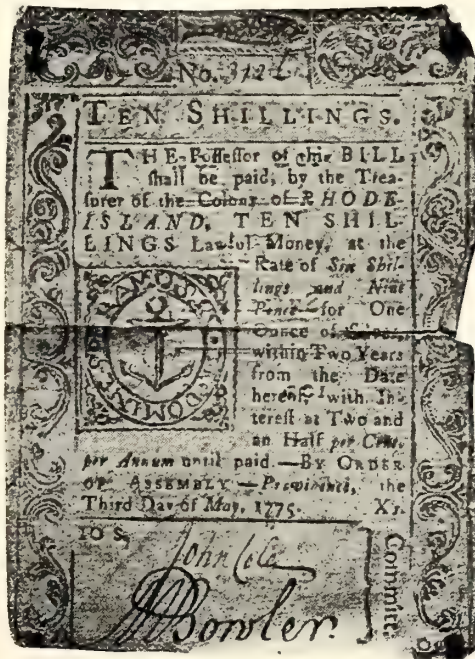
<sup>1</sup>The authorities do not agree on this amount, but all place it between £3,000 and £4,000.

<sup>2</sup>There was one minor exception in May, 1777.

appointed to collect coin for use in the Canadian expedition got only \$1,173.

Most of the subsequent borrowings of the state were made in anticipation of taxes, and taxation, begun early in 1777, was the main source of income until many years after the adoption of the federal constitution.

The financial war measures of the continental congress may be divided into two periods, separated by the date of March, 1780. During the first period congress attempted to secure its income not only by



RHODE ISLAND PAPER MONEY, 1775.

means of taxes requested of the sovereign states, but by issues of non-interest bearing bills of credit and loan certificates bearing interest, for the payment of which it pledged the faith of the Union or the states as a whole. The interest on the loan certificates was payable in exchange on Europe. By the issues of loan certificates and bills of credit it established a direct relation of debtor and creditor between itself and the individual citizens, but it had no means of redeeming the bills or paying the certificates except indirectly by taxes requested of the state governments, which the latter might or might not grant. Such methods of financing were accompanied by an attempt to

supersede state issues of bills of credit by continental issues, and in pursuance of this purpose state bills were called in and partly redeemed, as we have already seen, by continental bills. In October, 1776, the continental loan offices were established and loan certificates were also issued to redeem state bills. The circulation of the latter was prohibited after July 1, 1778. This assumption by congress of sovereign powers over money issues, and direct liability without power to redeem its pledges was at once attended by depreciation. A convention in Providence to arrest the fall in the purchasing power of money in 1779 discountenanced trading in gold and silver and recommended the citizens to take their quota of a loan of \$20,000,000, asked for by congress. When subscriptions failed to come in the assembly ordered the assessors to apportion \$100,000 of the loan upon those best able to pay it, and although such an assessment was pure confiscation, gave the assessors authority to enforce the loan by severe penalties. This convention also advised the confiscation of tory estates and the assembly passed an act to that effect in December. Early in 1780, owing to the depreciation of continental money, the states were recommended to repeal legal tender laws affecting it. Rhode Island did so with regard to all contracts dated previous to January, 1777. A medium of circulation was then supplied by a return, after nearly four years, to the issue of state bills of credit in March, 1780. Some of the confiscated tory estates were pledged to redeem an issue of £20,000. The bills were made legal tender equal to gold and silver. Continental bills had fallen to 40 for 1. On March 18th congress by an act of repudiation directed them to be called in by taxation by the various states and thus made the states responsible for the redemption of their respective quotas. When the states received them they were to be redeemed by the continental treasury by a new issue of bills at a rate of 20 for 1. In June a scale of depreciation for loan office certificates was established, beginning with par in January, 1777, and graded to 40 for 1 on the date of the enactment. Robert Morris was soon afterward appointed continental financier and ordered the loan offices to close up their business.

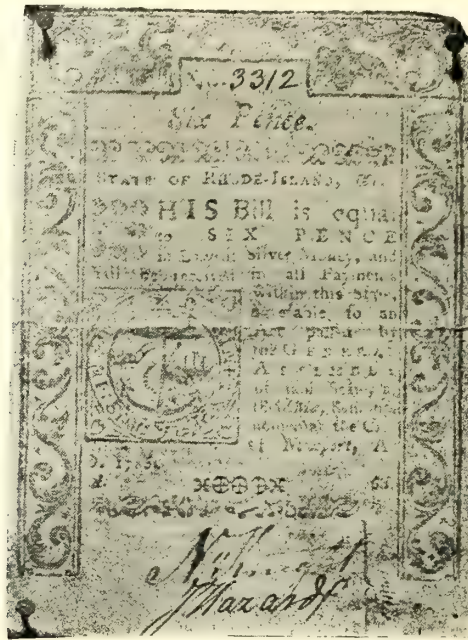
These measures mark the practical bankruptcy of the continental treasury and the abandonment by congress of its direct financial relation to the individual citizen. The second period of Revolutionary finance then began. The new bills of credit of March 18, 1780, properly known as "40 to 1 money," were issued under the direction of congress and printed in Philadelphia, but they were apportioned to each state according to population and each state's quota bore on the face of the bills the pledge of the state itself to redeem them. The bills carried interest at the rate of five per cent. and were redeemable in 1786. Congress assumed no direct responsibility for them but guaranteed the payment of the principal by an endorsement on the back



and pledged the payment of the interest in bills of exchange, if requested to do so, drawn on foreign countries where a loan for that purpose had been secured. The bills were to be distributed to the states as rapidly as the old continental bills were presented to the loan offices. Three-fifths of the amounts apportioned to the states were reserved for state uses and two-fifths were to be remitted to congress for continental uses. The taxes pledged for their redemption were to be divided between the state and congress in the same proportions. The taxes apportioned on Rhode Island to call in the old continental bills were \$2,600,000, and they were redeemed by congress by the state's quota of \$130,000 of the new issue—three-fifths or \$78,000 for state uses and two-fifths or \$52,000 for continental uses. As these bills were interest bearing and would have heavily increased the obligations of the states, Rhode Island and other states used them sparingly. Of the \$78,000 for state uses about \$38,000 seem to have been drawn from the treasury and that sum was used chiefly on continental account. The remaining \$40,000 were not issued.

Congress relied for the future on taxes contributed by the states and on loans. As a means of securing loans the states were requested to grant to it the power to levy a five per cent. impost on all imported goods, and in the controversy which ensued between Rhode Island and congress with regard to this question the state appeared in a most unenviable light. Congress had reached the limits of its power. The battle of Yorktown had not yet been fought and the exhausted states partly could not and partly would not comply with the requisitions made upon them. Each state thought its own quota the largest and would have been "very happy to apologize to the world for doing nothing with the thin and flimsy pretext" that it had been asked to do too much. In this predicament congress asked for the right to levy a five per cent. impost tax, the proceeds to be used to pay interest on bonds, the successful negotiation of which depended upon some permanent form of income which could be pledged in payment of the accruing interest—the impost to run as long as the bonds. To this request Rhode Island alone refused to accede. The grounds of objection urged by its delegate, David Howell, were three. First, the tax would bear hardest on commercial states; second, it would introduce a set of officers accountable only to congress; third, it would give congress independent power to collect a tax from the commerce of the state indefinite as to time and quantity. As to the arguments with which Mr. Howell supported these contentions little comment is now necessary. The replies made by Morris were acute but those written by Hamilton and Madison were conclusive. They covered the whole question at issue from a simple refutation of Howell's misstatements in the last objection to a thoroughly satisfactory analysis of the modern theory of price, when discussing the first objection. But in many

respects the arguments on both sides were well taken and whether or not they were conclusive depended largely on one's point of view. The difference between the disputants was fundamental and a limitless controversy could not bring them together. They represented radically different systems of government. Howell stood for state's rights, state supremacy and decentralization. Congress and Hamilton stood for centralization and national supremacy. The arguments of the former were all political and covered in a slightly modified form all the dangers which had been rehearsed again and again from the time of the attempt to limit paper money emissions and the first sugar tax



RHODE ISLAND PAPER MONEY, 1786.

act in 1733 to the outbreak of the Revolution. Mr. Howell believed that great principles were threatened in any bill conferring on congress the simple power to levy an impost, and in comparison with them, the success or failure of the Revolution itself seemed of little moment. On the contrary, Hamilton's arguments were largely financial and the necessity of providing a fixed income for congress in order to carry the Revolution and all that it stood for to a successful issue, was a paramount consideration. When he claimed that congress was in a position of powerless responsibility, he stated a fact patent to all, but this was the position that the states had intended that it should be in when

they ratified the articles of confederation, and it was the position that Rhode Island would not consent to extricate it from by a grant of power which it asked. Hamilton was also right when he said that no federal constitution can exist without powers that in their exercise affect the internal police of its component members. This was the very nub of national life. It foreshadowed the scheme of national finance which he elaborated under the federal constitution of 1789. But the history of Rhode Island had been an almost uninterrupted protest against such a theory. The first fifty years of the state's federal life emphasized no political fact more strongly than that the purse strings, though in theory controlled by the state government, should in fact, through local appointment, election, and control of tax officials, rest in the localities. In the years 1766-67, as we shall soon see, the central government of the state proved to be entirely unable to enforce a tax levy on three recalcitrant towns in Providence county. The position of Mr. Howell was, therefore, in entire consonance with the development of political theory in his state; he accurately represented the views of his constituents. We now know that he was wrong and that had not other fortuitous events interposed, the course which the state adopted would have left no independent states to form the Union in 1789.

Indeed, the cordial support which Howell's constituents gave him was not altogether political nor disinterested. Under the existing conditions of commerce some of the merchants of the state were taxing the trade of Connecticut and Massachusetts and they did not want to be disturbed. Rhode Island also having no western lands, desired to link the imposts to the cession of such lands by the states that claimed them. In 1785, therefore, the assembly voted for an impost of five per cent. for twenty-five years, combined with an annual tax of \$1 on every hundred acres of land and on every male over twenty-one years of age and on horses. The act was to take effect when the other states approved it, but it was never approved.

In November, 1782, the state consolidated its obligations.<sup>1</sup>

There was at this time in circulation a varied assortment of currency. Some state bills of credit were still outstanding and the treasurer had issued his notes for back pay, depreciation and for direct loans from individuals. The state commissary had issued orders on the treasury in payment of army supplies, and the commanders of the regiments had issued similar orders. The continental bills of

<sup>1</sup>The treasurer was ordered to give his notes for the balances due the soldiers and to add a sufficient sum for depreciation. The notes carried compound interest at six per cent. and were due in four years. Outstanding bills of credit were to be presented and endorsed with value according to the scale of depreciation adopted in July, 1778, when they were ordered out of circulation, and on treasury notes issued for this reduced value compound interest was allowed at the rate of six per cent.



credit, both the old and the new issue, were still in use. The treasurer of congress had issued notes for direct loans from individuals and the continental army commissaries and commanders had issued orders in payment of supplies. The loan office certificates and "indents" issued for interest on them added to the money that was daily passing from hand to hand.

At the close of the war Rhode Island, like the other states, was financially exhausted. The British occupation was estimated to have cost Newport \$425,000, and the debt, which at the beginning of the war was \$11,495, was calculated at the close of the war at \$698,000. The economic condition of the people which caused the Gloucester (Massachusetts) riots and Shays's rebellion had their counterpart in this state, in a demand for another paper money issue with which to relieve the burden of public and private debts. The movement was successfully combated in 1784 and early in 1785, but combined with the opposition to even a conditional grant of impost, it arrayed the country and debtor towns against the commercial and creditor towns. It resulted in 1786 in a complete political victory of the former. Repudiation ran riot. Recent tax and impost acts were suspended. The assembly emitted £100,000 bank notes, founded on real estate, to run seven years and bearing four per cent. interest, and then to be redeemed in seven years without interest. They were legal tender, they at once depreciated. The assembly passed a penal forcing act and suspended the usual forms of trial by jury in actions against those refusing to receive the notes. A member of St. John's Episcopal Church of Providence was excommunicated for tendering the bills, and a member of the Cincinnati was expelled for similar cause. Merchants closed their shops. Farmers refused to bring produce to market. A partial famine was relieved in Providence by a supply of food purchased at public expense from Connecticut. A convention was held in Smithfield which recommended the use of lumber and produce in the payment of taxes and other obligations. A test case soon arose. The now famous case of *Trevett vs. Weeden* was brought by the former, John Trevett, against the latter, John Weeden, for refusing to receive paper money in payment for a piece of meat. The court after hearing the facts dismissed the case for want of jurisdiction. This action was equivalent to a statement that such a law could not be enforced and it was so interpreted by the public. The assembly, mistaking the plea of the defence, to the effect that the law was unconstitutional and void, for the decision of the court, cited the judges before them to show cause for their decision. The whole question of the scope of power of the legislative and judicial branches of state government was discussed at length. The judges claimed that the legislative branch had no authority to compel them to show cause for their decisions, that theirs was a co-ordinate but independent branch

of the government. The legislature claimed its complete supremacy over them and its right to review their decisions. The judges were finally discharged and their discharge was accepted as their vindication, but no definite conclusion was reached as to the fundamental points at issue. The four judges who rendered the decision were not re-elected in the following year, and the legislature continued to pass laws as though no implied decision had been rendered.

The attitude of the legislature toward its own honorable obligations is well illustrated by its treatment of the state's congressional delegates. President Manning, of Brown University, was attending congress in Philadelphia, and his salary was so in arrears that, "reduced to the very last guinea and a trifle of change", his "lodging, washing, barbers, hatters, tailors bills not paid", he was unable to return home for lack of funds to pay his passage. The assembly offered to pay him £400 in paper money but "in no other way". Paper money was worth about 6 for 1, so that, wrote Manning, "I must lose five-sixths of my salary—a more infamous set of men under the character of a legislature never, I believe, disgraced the annals of the world". "Rhode Island has not many more strides to make to complete her disgrace, and ruin too, but that is not all—she is likely to hold a distinguished rank among the contributors to the ruin of the federal government."

In 1787 the state debt amounted to £153,047 15s. 9d.<sup>1</sup> This debt was called in in four installments, the last being due in 1789, and ordered paid in paper money depreciated to from 6 to 9 for 1. All debts not thus presented for payment were declared forfeited. Under the four calls there was redeemed the sum of £79,349 0s. 2d.<sup>2</sup> The assembly also voted to pay the taxes and requisitions of congress in paper money, and in retaliation congress approved the action of the commissioner of the loan office in refusing to issue indents of interest on loan office certificates, asserting that it was manifestly improper to make payments of interest to the state after it had declared its obligations payable only in paper currency. In September, 1789, the notes had sunk to about 30 to 1 and the legal tender act was repealed. A scale of depreciation was established. Soon after the return of the sound money party to power in 1790 the burning of the bills commenced, and by 1803 £96,646 had been destroyed. They were, however, receivable for taxes at a rate of 15 for 1 as late as 1819.

The accounts of Rhode Island during the seven years war were kept so negligently that the colony was never fully reimbursed by England, as were the other colonies. The accounts of the Revolution are equally unreliable.

<sup>1</sup>Of this sum notes for £46,000 had been issued to redeem the 4 per cent. notes of 1777. The assembly passed an act requiring all holders of such notes to state when they got them and how much they received them for, and this reduced value, if any, was to be endorsed on the back of the notes.

<sup>2</sup>£29,151 1s. 8d. of the amount were the 4 per cent. notes.

The United States by acts of August 4 and 5, 1790, made provision for funding its debts and a portion of those of the states. Three classes of obligations were recognized. First, those due from the United States to individuals, consisting of loan office certificates, certificates given for supplies and for pay of soldiers, certificates issued by the register of the treasury for individual loans, indents of interest, and continental bills of credit at the rate of 100 for 1. The claims of the citizens of Rhode Island on these accounts were \$598,990.98. They were allowed and funded stock issued for them. The second class consisted of the arbitrary amount of \$21,500,000 of the state debts to individuals which the United States assumed. The debts thus assumed consisted only of those incurred by the state for services and supplies in carrying on the war. The claims of Rhode Island's creditors amounted to \$344,259.49. Of this sum Rhode Island's quota was \$200,000. This amount was paid in funded stock to the state and distributed pro rata to the state's creditors, leaving a balance of \$144,259.49 unpaid. The third class consisted of all equitable claims between the states and the United States.<sup>1</sup> The net balance in favor of the state on this account was \$299,611. This sum was paid by the United States in funded stock. The arrangements were not all completed until 1795, when accrued interest from 1790 seems to have swelled the amount due to \$420,000.

In 1791 the assembly had repealed the repudiation acts of the paper money party and had ordered that the payments of the state debt, made in depreciated paper money, should be reduced to specie basis and notes issued to the creditors for the depreciation, but there had been an express provision that in renewing its obligations the state should not "be held or obliged to pay on any of the said securities, on any other terms" than those proposed by the act of congress of August 4, 1790. The state thus made itself simply the agent for congress in arranging the transfer of indebtedness. But in 1795 the total claims presented amounted to \$503,494.66. Of these \$419,662.30 was paid by transfer of the \$420,000 certificates of United States stock and \$83,932.46 was left unpaid. This sum was increased by various acts from that time until 1806 when the amount due had reached \$138,670.35. For these amounts the state issued its notes with interest at 4 per cent. "until paid". This was the Rhode Island Revolutionary

<sup>1</sup>The state was credited with all advances made by it to the Union and all disbursements made by it for general defence. It was charged with all advances made by the Union to it and with the \$200,000 of its debts assumed by the United States. The sum allowed to the credit of Rhode Island was \$3,782,974.46. The state was charged with \$1,977,608.46, leaving a balance due of \$1,805,366. The same principle was followed with the other states and the total balances due all the states was found to be \$77,666,678. This balance was then apportioned among the states and charged back to them in proportion to their population. The amount charged back to Rhode Island was \$1,505,755, leaving the balance above stated.



debt. By its issue of certificates payable by itself to the bearer, and various other like acts from 1795 to 1803, by an act of 1797 paying interest on the certificates and by the issue of interest certificates receivable in payment of taxes, the state seemed to recognize its legal obligation to pay the Revolutionary debt. On the contrary the state never seems to have specifically and fully assumed the principal of the debt, and claims were made that the certificates were issued because the legislature expected that the United States would make provision for assuming the debts of the states which had been left unpaid in 1791—especially as the federal constitution gave to congress the sole and exclusive power over commerce, and thus deprived the state of its revenues which had been expressly devoted to debt payment. Many of the claims were doubtless spurious, and subsequently many of them got into the hands of speculators. From time to time between 1803 and 1820 the state purchased the certificates at from 75 cents to 57 1-2 cents on the dollar, thus paying \$66,053.46 for a face value of \$94,753.-21. After a controversy lasting until 1847 the remaining sum of \$43,971.19 was repudiated. Thus this portion of the state debt was practically repudiated twice—in 1787 and in 1847. It is interesting to note that when, in 1787, the paper money party was considering the state debt and the disposal of it, the report of the committee in March was printed and sent to the towns with a request that they send their deputies instructed to act with regard to it. A hundred years had passed since the referendum had been applied to a tax levy and this was the last use of it in Rhode Island. It is unpleasant to record that the result of it seems to have been at least a tacit approval of a scheme of repudiation.

Turning now to some minor forms of income, we find that the taxes on trade and commerce, consisting of taxes on traders, peddlers and auctioneers, and tonnage duties, imposts and excise, attained a greater degree of definiteness during this period, and the latter classes also became from 1783 to 1790 a source of considerable income. The tax on peddlers originating, as we have seen, in a tax on merchants and traders in 1699, was modified so as to prohibit peddlers from doing business in the state in 1713, and after various changes, beginning in 1728, became in 1750 an act taxing non-resident persons doing business in the towns the same as residents. Auctioneers had been subject to a license of two and one-half per cent. on their sales since 1719. This tax inured to the towns and during this period must have been a large source of revenue. For a few years of the Revolutionary period vendues were prohibited; but the law was repealed in 1780.

During the period from 1713 to 1744 tonnage duties, which were primarily levied for the benefit of the fort and lighthouse, seem to have been almost if not entirely abandoned as a source of income. In May, 1744, a tonnage duty of 6*d.* per ton was imposed on foreign going

vessels and 3*d.* per ton on coasters, the proceeds to be used in maintaining Fort George. Immediately after the treaty of Aix a lighthouse at Beaver Tail was built at a cost of £5,213 11*s.* 6*d.* and the tonnage duties, then called lighthouse money, were appropriated to pay part of its cost and the subsequent cost of maintaining it, but they fell far short of the amount required.<sup>1</sup>

With the impost duties previous to 1783 financial history has little to do. England took the regulation of colonial trade in hand by means of acts of commerce early, but those chiefly affecting Rhode Island were the Sugar act of 1733, imposing a duty of 6*d.* per gallon on molasses and its renewal in 1764 with the duty reduced one-half. Duties were levied also on other foreign goods, but the proceeds went to England.<sup>2</sup>

It appeared, however, from a protest against the revival of the sugar act in 1764, that about 11,500 hogsheads of molasses were imported annually from the French West Indies. The proposed duty at 3 pence per gallon would have yielded over £9,056 sterling. Recalling the fact that the duties of the act of 1733 were 6*d.* per gallon, we need not wonder at the prevalence of smuggling nor at the official connivance of it. As molasses was quoted at 12*d.* a gallon, such rates were a heavy burden.

The first impost act of the State of Rhode Island was passed in February, 1783, for the purpose of paying the interest on its public securities. It provided for duties on all sorts of imported articles, some specific and some *ad valorem*, but mostly the latter at a rate of two and

<sup>1</sup>The duties were collected by the naval officer. The rates of duty were increased as paper money depreciated, reaching in old tenor 8*s.* per ton for foreign vessels, and 60*s.* each for coasters. Some estimate of the importance of the colony's trade can be gleaned from the reports of "lighthouse money". In the two years from August 13, 1751, to July 20, 1753, 18,914 tons of vessels trading to foreign ports and 442 coasters were entered and cleared. The duties collected amounted to £1,639 11*s.* In the two years from May, 1763, to May, 1765, the tonnage of foreign going vessels was 12,352 and the number of coasters was 598. The duties amounted to £5,292 11*s.* 8*d.* old tenor. The cost of maintaining the lighthouse in the same period was £6,355 5*s.* 8*d.*, thus showing a large deficit, which indeed was usually the case. For the year from May 7, 1772, to May 4, 1773, 9,711 tons of foreign traders and 460 coasters passed into the harbor, and the income in lawful money was £176 5*s.* 9*d.* In the year from July, 1784, to July, 1785, the receipts at the four seaport towns, Providence, Bristol, East Greenwich and Newport, seem to have been about £475, and as the rates of tonnage were slightly more than two and a half times as large as those of 1772, being 8*d.* per ton instead of 3*d.* on foreign bottoms, we may conclude that the state's commerce had increased but slightly, if at all.

<sup>2</sup>The point of contest between the colony and the mother country lay in the insistence by the former on its right to fix the fees of the collectors of customs appointed by England's authority, on the ground that the colony had full powers to regulate the salaries of all local crown officers. The colony had taken special pains since the first appointment of a collector in the previous century to modify his fees as often as possible, in order that its rights in the premises might not seem to lapse by a failure to exercise them.

one-half per cent. It was an excise law as well, and levied a tax on the manufacture of cider and an annual tax on billiard tables, carriages and dogs. The act, however, was too complex. It was repealed in June, and a law imposing a duty of two per cent. on all goods, with a provision for drawbacks on goods in transshipment, was substituted. Collectors, called intendants of trade after 1784, were elected for each county by the general assembly. They had two and one-half per cent. commission for collecting, and though required to render quarterly accounts, seem to have made reports about once in every two years. The law was amended in June, 1784, and the rate of duty increased to two and one-half per cent., and in February, 1785, some specific duties were imposed on liquors, sugar, coffee and cocoa, while the ad valorem rate on other goods was again increased, this time to five per cent. The duties seem to have been evaded and a penalty of £25 was imposed on all vessels breaking bulk or not entering their cargoes within twenty-four hours after arrival, and a discriminating and additional duty of seven and one-half per cent. was imposed on goods imported in British vessels. Although most of the increases in duties were levied for the purpose of increasing revenue—and indeed had that effect, as the amount of impost collected in the year ending May, 1785, was more than double that collected during the previous year—the evident purpose of the discriminating duty against goods brought in British vessels was more fully embodied in a law passed in the following month, entitled an act for imposing additional duties on imported goods “for encouraging the manufacture thereof in this state”. This was distinctly a protective tariff and its schedules were complete. The rates on metals, goods, tools, paper, cards, hats and leather goods were 20 per cent. ad valorem, with a few very high rates on coarse grade iron products, such as 1s. each on axes. Cordage paid five per cent.; tobacco ten per cent.; ready-made garments, toys, and in general articles of luxury as well as the more easily manufactured articles, were subject to a tax of 25 per cent. Some of the rates were scarcely above a revenue standard, but when considered in connection with the cost and time of transportation they were much more protective than similar rates would now be. Various evasions of the heavy duties were attempted by importers, and among others it was a favorite device of foreign vessels to carry two sets of papers, one showing their true ownership, the other showing ownership by American citizens.

No excise law was in force subsequent to the repeal of the law of February, 1783, in June of the same year, until the act of March, 1786, the action of which was suspended at the first session of the general assembly held by the paper money party in May. But another excise act was soon passed. It levied annual taxes on liquors, teas, coffee, cocoa, sugar and lemons. Retailers were required to make semi-annual returns in May and November of the amounts of such goods



sold and to pay the excise on them. Collectors of excise were vested with the same plenary powers as tax collectors. The annual taxes on carriages varied from £4 to 7s. 6d., on horses over two years old, 3s., on dogs 3s., and on billiard tables £6. Ministers, instructors in colleges, and masters of grammar schools were exempt from the excise on chaises and horses. These taxes were additional to the impost duties and were appropriated to paying interest on the state debt. In December clocks and watches were added to the list of annually taxable articles. At the same time the protective tariff act of 1785 was repealed and duties of five per cent. were imposed on all imports. Under this act for the first time the proceeds of the duties were not devoted to the payment of interest on the public debt, but were merged into the general state funds to be disposed of by the general assembly. In May, 1789, Rhode Island, commercially ostracized by the United States, adopted a retaliatory tariff, providing that such duties should be charged on the imports from other states as they charge on imports from Rhode Island, and in September a tariff act was adopted practically in conformity to the United States act of 1789.

The intendants of trade, whose duties included those previously exercised by the naval officer and collector, were, as we have seen, first elected by the general assembly, but in 1787 the governor was vested with their powers and given power to appoint deputies to perform the actual duties of the office in the various counties and towns. It is worthy of note that the naval officers and the deputy intendant of trade seem to have been almost if not quite the only officials appointed solely by the governor during the colonial period.

The duties collected under these various acts can only be given in the aggregate for certain periods, as the reports do not discriminate between imposts and excise and are otherwise not complete; a typical year will suffice to illustrate them.<sup>1</sup> The gross amount of duties collected in the whole state from October 1, 1789, to September 30, 1790, was \$20,890.84. The cost of collection was \$1,150.96, and the discounts or drawbacks allowed were \$2,064.58, leaving a net of \$17,675.29. Assuming the state debt to have been about \$700,000, the impost, if it had all been appropriated to interest payments, would have discharged about two-fifths of the interest accruing at a rate of 6 per cent.

<sup>1</sup>From the beginning of the impost act in July, 1783, to November, 1785, the duties received at Providence amounted to £7,828, while those of Newport, from July, 1783, to September, 1785, amounted to £5,709. During the whole period from 1783 to May, 1789, the duties received at Newport and Providence respectively were £15,073 and £17,067. From some subsequent reports of delayed payments it would seem that a large portion of such duties were refunded under the drawback clause covering goods imported for use in manufactures for export. There were duties and excise collected in Bristol, Kent county, and Washington county. The amounts varied from £50 to £500 annually, averaging about £250 for all combined.

General property taxes were levied, as we have seen, from 1744 somewhat intermittently. It is quite impossible to make an accurate estimate of the relative importance of local, state and continental taxes during the Revolution, because, in spite of the recommendations of congress to the contrary, they were nearly always levied and collected at the same time, and as the tax officials were the same for all kinds of taxes, and were legally responsible for them, the arrears of a local or state tax were frequently paid from the sums collected on a subsequent state or continental tax. The state to a large extent paid the expense of its own troops, and when its funds were depleted, appropriated for state purposes taxes levied for continental purposes—though always with the intention of repaying the same later. The town and Island of Newport were occupied by the British forces from December, 1776, to October, 1779. The valuation of the island was about one-fifth that of the whole state and it contained about one-third of the most fertile land of the state. It was impossible to collect taxes in this district. Between 1774 and 1782 the population of the whole state decreased over 12 per cent. In 1780 taxes had become so burdensome that Governor Greene requested congress to allow the state to contribute its quotas in products raised in the state, and that its money taxes be expended as far as possible in the state in order to preserve a currency medium. Morris refused the request, as the collection and disbursement of such taxes was peculiarly subject to losses. Nevertheless taxes were levied in products at times. In 1778 an assessment of 3,000 pairs of woolen stockings was levied and they were valued at \$14 a pair. In 1781 a tax of £1,200 gold or silver was levied, payable in good merchantable ox beef fit for slaughter, to be delivered at the house of Israel Bowen in Coventry, at 40 shillings per hundred weight. Mr. Bowen received 39 cattle weighing 28,780 pounds—not quite one-half of the tax. The economic condition of the people was an insuperable obstacle to the collection of the taxes. It is doubtful if the collections during this period amounted to over one-half the sums levied, and it is not improbable that during the years 1778-1781 the collections did not exceed one-third the assessment. Between 1777 and 1781 £3,260,000 of paper money taxes were assessed. They were approximately worth in gold £145,000 and constituted a per capita annual specie tax of about 13 shillings. In January, 1781, continental bills had depreciated to about 75 for 1 and soon after reached 200 for 1. Public accounts began to be kept in terms of coin in 1781 and taxes were therefore levied in gold and silver. During the five years, 1781-1785, the taxes levied amounted to a little more than £144,000, or about an annual per capita assessment of 10s. 6d. The average annual tax during the war was about 60 to 80 per cent. greater than during the period of the Seven Years' War, and the economic condi-

tion of the people during the former period was far better, the years 1760-1770 being the most prosperous decade of Rhode Island commerce.

The system of taxation between the years 1744-1800 underwent some administrative changes, more legal changes, but most of all changes in the objects of assessment, methods of valuation and methods of state apportionment. Inseparably connected with all of them as fundamental causes were certain phases of the political and constitutional contest between centralized government and localism typical of all Rhode Island history.

With regard to administration, it was noted in the earlier period that the change in the character of a tax from a voluntary to a compulsory contribution was attended by the selection of assessors, sometimes by the state and sometimes by the town; sometimes the assistants, who were state officers serving in that capacity, and sometimes other strictly local officials; sometimes receiving pay out of the tax and so from the state, and sometimes receiving pay from the town, until 1704, when three assessors, elected and paid by the locality, became regular officials. Much earlier also we saw that the constable became the regular collector, and also that though elected by the local political body, his duties were far greater as preserver of the state's peace than as preserver of the local peace, and hence, as his pay consisted of fees and commissions, his association with, and responsibility to, the central government was close and direct. He had therefore dual responsibility. The differentiation of administrative methods during the present period concerns the collectors and collection of taxes rather than the assessors.

The tax laws from 1744 specifically imposed the cost of assessment and collection on the localities. By a law of 1748 the towns were authorized to appoint collectors of colony rates with powers accountable to the colony, "as constables have been heretofore", and in 1754 the law was amended and became mandatory instead of permissive. The importance of the change thus made, whereby the collection as well as the assessment of taxes was vested in locally elected, locally paid officials, and therefore, though in theory unaccountable to the state, yet in fact wholly subject to local sentiments and having only local responsibility, was perhaps not understood at the time. It was closely associated, however, with two other important changes in the laws and methods of taxation.

We have noted that an attempt was made to remedy the inequality of the apportionment of the state taxes by "guess work" in the earlier period, through a system of taxing individuals directly, and that the attempt was a failure. The complexity of objects of taxation led to a request in 1707 to the local assessors to send their valuation lists to the



general assembly, so that it might apportion "each town's rate in equality". Local assessors' valuations were the basis of state apportionments until 1762. The valuation adopted in that year was made by two local assessors, aided by two assessors appointed by the assembly for each town, and their returns were subjected to revision by a committee of the general assembly. Strictly speaking, this was the first state valuation ever made.

In 1748 also the towns had been vested with power to levy taxes on estates or polls or both for defraying the annual charges and paying their debts.

These three changes occurring in close sequence had important legal effects. They mark the time of the complete severance of local and state taxation. The whole field of local taxation was left solely to the towns. On the other hand, the state, which, during the earlier period, had so signally failed to evolve a system of equitable taxation, now solved the problem by practically abandoning direct taxation of individuals and relying wholly on taxation of the towns as political units, by a system of apportionment made by a state board of valuation. If the state thus lost something of the always desirable close association of the governing with the governed, it gained much in simplicity of system, and though its sovereign power of taxation was much less obtrusive to the individual, it was much more practical. These changes were normal results of a system of state taxation, which in deference to a spirit of localism had sacrificed nearly every evidence of its sovereign origin to administrative efficiency.

The clearer definition of the scope of state activity in matters of taxation left the scope of town activity likewise much more definite. The town now stood between the individual and the state in fiscal matters. The fiscal and corporate entity of the town was much more clearly recognized. In the earlier period the state had had, and had at times exercised, its rights of legal process against local assessors and collectors when the towns were delinquent. Such methods were now also abandoned and the town treasurer, as the legal representative of the financial corporation, became the official against whom the state proceeded when the town officials failed to assess a tax or the town failed to pay its assessment. This method of procedure was embodied in the tax law of 1777. The spirit of localism was thus emphasized in another way. Such emphasis was an important matter when, instead of an individual complaint of over taxation, a whole town felt itself aggrieved and appointed itself judge of the justice of its cause.

The discussion of taxation, therefore, shifts to methods of valuation and apportionment, and for a proper understanding of this phase of the question the reader must keep in mind the peculiar force of the landed franchise as an expression at once of primogeniture and of the

persistence of the power of the landholder in government, and especially the contest between Governors Ward and Hopkins for political supremacy, then at its height—a contest the more intense because it concerned not principles but persons. Mr. Hopkins's home was originally in Scituate and later in Providence. Mr. Ward belonged in East Greenwich. In the state valuation of 1761, adopted in 1762 when Hopkins was governor, woodland was assessed at one-third its value, improved real estate at twelve years' rental, livestock and negroes at full value, trading stock and money at one-half value, and vessels and cargoes at sea at one-third value. Aside from the much greater difficulty of assessing trading stock and money than in assessing livestock and negroes, and the consequent evasion of the former, there was evident injustice in the scheme which taxed the floating capital of farmers, consisting of livestock, at full value, while taxing the floating capital of merchants consisting of trading stock and money at one-half value.<sup>1</sup> The country towns protested against the bill, but it was passed. Mr. Ward was elected governor at the ensuing election. In 1763 and 1764 taxes were levied in accordance with this valuation, but in 1765 and 1766 some changes were made whereby heavier proportional taxes were laid on some towns in Providence county, the home of Mr. Hopkins, than before. The towns refused to assess the taxes, claiming that they were neither lawful nor just. The state began suit against Scituate, but offered to settle on payment of the taxes and costs and make a new apportionment and valuation; if the town then appeared to have been overrated the excess was to be refunded with interest; if it appeared to have been underrated the town was to pay the excess with interest. Scituate refused to accept those terms and the state was powerless to coerce it. At the next election Mr. Hopkins and his party returned to power, and although twenty-seven members of the legislature protested and declared that "the general assembly are the only supreme judges of taxation in this colony", and that other towns led by this example may "refuse to pay obedience to the acts of the general assembly", it was voted that Providence, Cumberland and Scituate proceed to levy and assess the last two taxes according to the apportionment of 1762. The amounts gained by the three towns in the two taxes were £235 and £112, respectively. These sums were assessed on the other towns of the state with legal interest added.

In this contest between the towns and the state over the enforcement of a tax statute some fundamental constitutional questions were raised. The sovereignty of the general assembly in matters of taxation had not been questioned since its claim to that power in 1678. The assembly had not expressly declared that the law of valuation

<sup>1</sup>By this scheme also trading stock at sea in the form of vessels and cargoes at sea was in fact only taxed one-sixth of its value.

and apportionment of 1762 should be the basis of future taxes until a new valuation was made, but such was the general interpretation of its contents. There was nothing to prevent a succeeding session of the assembly from exercising its sovereign power in repealing the act and making a new apportionment; nor did the towns deny such a claim. They asserted, however, that a new apportionment must be just, and that to be just it must be based on a complete revaluation of the state and not be subject to change at the caprice of every session of the general assembly. Their successful protest virtually decided that one general assembly could bind the method of action of its successor, that the intent of a law must be observed until the law is expressly repealed, and that the towns and not the courts were the final judges of the equity of a law. This was something of a legal revolution. It erected a law defining the method of apportionment of taxes into the nature of a contract between the state and the towns. It raised a statute into the realm of constitutional law. It made the towns supreme judges of the powers of the general assembly, and to that extent limited the sovereignty of the latter.

The effect of these events would doubtless have been more marked and far reaching had they not been so intimately associated with the political excesses of the Hopkins-Ward contest. Protests were made to nearly every tax assessed by the state from 1759 to 1796, and in the latter year Providence itself refused on much the same grounds as before to levy a tax, stating in its protest to the general assembly that it was "unconstitutional", but in no case except in 1767 did the protesting town ultimately fail to acquiesce. The incident may therefore be looked upon as illustrating political as well as constitutional development. A new valuation of the state in 1766-67 was the result of the controversy.

During this period the enactment of laws defining specific objects of taxation and fixing their values was abandoned and in their stead was substituted the custom of taxing all forms of property, the law specifying only the exemptions. Not what was, but what was not taxable became the subject of legislation.

The first law, that of 1744, specified very low values for livestock and slaves, four years old cattle and horses being rated at £10, and sheep at 15s., when paper money was depreciated to at least 5 for 1. Trading stock was rated at one-half value, and real estate at ten years' rental. In personal estate was included "money, bonds or other estate that lies concealed". This was to be rated at full value. The law was peculiar in providing that those who made profit by their faculties were to be taxed accordingly.

The features of the law was its leniency toward most working capital; accumulated savings in the form of intangible property and



faculty being alone taxed at full value. A table will clearly illustrate the changes in the form of valuations, beginning 1744 and ending 1796.

	1744	1762	1767	1796
Improved lands .....	10 yr's. rental	12 yr's. rental	20 yr's. rental	full value
Unimproved lands .....	-----	$\frac{1}{3}$ value	full value	"
Live stock .....	nominal	full value	"	"
Manufacturing plants .....	10 yr's. rental	12 yr's. rental	15 yr's. rental	"
Trading stock .....	$\frac{1}{2}$ value	$\frac{1}{2}$ value	full value	"
Other personality .....	full value	$\frac{1}{2}$ value	"	"
Vessels and cargoes at sea .....	-----	$\frac{1}{3}$ value	$\frac{2}{3}$ value	$\frac{2}{3}$ value

The members of the valuation committee of 1766 were instructed to deduct personal indebtedness from the individual ratings if they saw fit. In 1769 religious and educational property was exempted from taxes, and during the Revolutionary period debts due from debtors in Great Britain were excluded from personal assets. These debts, as we have seen, were subsequently assumed by the state. In 1784 they were again included in taxable property. The act of 1795 exempted farming and mechanics' tools, household furniture and one-third of property at sea.

The abandonment of the attempt to specify the various kinds of taxable property was accompanied also by the abandonment of the attempt to discriminate in favor of certain kinds of property, and doubtless the unsettling of values during the Revolution tended to that end. A tax assessment law of 1779 was the first to specify that all property should be rated at its full value. Perhaps also the unsettling of all industry was the cause of the exemption of certain necessities of life in the form of household goods and tools already mentioned. The faculty tax of 1744 was not re-enacted in any subsequent laws. The tendency of these changes in tax laws was to leave more and more in the hands of local assessors the determination of the scope and methods of local taxation.

As to methods of assessment: a peculiar law was enacted as the result of war exigencies in 1778, when in the absence of the owners of lands, the tenants of farm lands who had occupied them one year were taxed for the lands they occupied. In 1782 the idea was expanded into a general law taxing all leased and rented real estate to the occupier, and the provision continued in force nearly fifty years.

There were a few other sorts of income during the few years subsequent to the Revolution, but they were not important.<sup>1</sup>

Of expenditures during the Revolutionary period little need be noted. The contributions of Rhode Island and her citizens, in the

<sup>1</sup>The rental and sales of confiscated estates, the latter sum amounting in 1781 to 1792 to £15,931. Such funds should have been used to redeem the bills of credit issued upon them in 1780, but they were diverted to other uses. The interest on the bank of 1786 was not regularly paid, the receipts for the first six years being only £15,611 10s. The income from fines was very irregular during the war years. In 1796-97 the amount collected was \$615.27.

form of money loaned to congress, taxes paid and loans made to the state, were about \$2,600,000. These figures include interest to 1790, and the principal sum at the close of the war in 1783 may be calculated at about \$1,830,000, or nearly \$230,000 annually. Had the whole sum been raised by taxes during the war it would have amounted to a per capita charge of \$4.30. The amounts advanced to "invalids" for pensions to April, 1786, were £3,334 2s., and from 1786 to 1792 £18,075 2s. 5 1-2d.

The normal expenditures of the peace period were still confined to a small salary list and a few thousands for internal improvements. In 1795 the ordinary expenses were about \$5,000 annually, and for the previous few years about \$8,300 had been expended chiefly on the court houses and prisons. In 1800 the ordinary expenses had risen to about \$6,000, estimated by the treasurer as follows: Governor's salary and fees for signing commissions, \$675; lieutenant-governor's salary, \$300; attorney-general's fees, \$300; five justices of the supreme court, \$1,900; general treasurer, printing and stationery, \$250; other expenses, \$1,375.

---

#### PART III—1800-1900.

##### *A Century's Expansion.*

The sources for this period are the acts and resolves and reports of the general assembly, reports of the treasurer and auditor, and the newspapers of the time.

The finances of the nineteenth century present points of marked difference from those of earlier date. Questions of taxation no longer involved the constitutional relations between the local and central government, the supreme authority of the latter being fully recognized. The development of manufacturing and the shifting of population from the country to the towns—Providence having had 11 per cent. of the state's inhabitants in 1800, 28 per cent. in 1850, and nearly 43 per cent. in 1900—has been attended by wholly new problems in finance. The increased duties and functions of local government have increased the expenditures of the cities and towns so much beyond those of the central government as to almost overshadow them. The following table will illustrate the comparative growth of the expenditures of the state and the city of Providence:

Expenditures	1800	1825	1850	1875	1900
of State	\$6,200	\$18,300	\$92,000	\$595,200	\$1,351,600
of City	10,400	38,000	163,100	3,771,200	4,965,500

The legal aspect of taxation since 1825 has been directed to an ever

increasing mass of intangible personalty, and toward the proper methods of assessing legal persons in the form of corporations.

The tendency of taxation from a sole reliance on general property was foreshadowed in 1798 by the first of a series of laws imposing special taxes on occupations and trades. In June an act was passed taxing every attorney \$20 on his admission to the bar and \$8 annually. A tax of twenty-five cents was laid on every writ, and the proceeds of all the taxes were devoted to paying the salaries of the judges of the supreme court. These three sources produced an income of \$1,165.50 in the two years 1797-99, not quite a third of the annual salaries of the judges.<sup>1</sup> License taxes were gradually extended and increased in amount. Licenses were charged for shows, exhibitions, billiard tables, shooting galleries, bowling alleys, liquor selling, peddling and the sale of goods by auctioneers. They were, however, received by the town councils and seemed to have been wholly used for local purposes. In 1822 a state law was passed imposing a duty on licensed persons and bodies corporate as follows: On every person licensed by the town council of the several towns, \$2; on every officer accepting a civil commission, \$1; on every clerk of the supreme court or clerk of common pleas, ten per cent. of all fees over \$400; on every money broker, money changer and vender of foreign lottery tickets, \$100; on banks, except the United States bank, fifty cents on every thousand dollars of capital stock actually paid in; on every insurance company, except mutual fire insurance companies, one per cent. of the amount of their dividends; and on agents of foreign insurance companies, \$200. In the same year hawkers and peddlers were subjected to a license fee of \$25. Auctioneers paid a duty of one per cent. of sales. In 1826 a duty of one per cent. was imposed on each and every class of lottery which might be drawn in the state and upon any amount sold by any bearer or vender of lottery tickets. Many changes have been made in these laws. At the present time hawkers and peddlers pay a state license varying according to the character of goods vended from \$200 to \$60 for the whole state and from \$50 to \$15 for one of the small counties. Itinerant venders pay both a state and local license of \$25 and \$5 each, and under existing statute the towns pay to the state one-half of the license fees on bowling alleys, pool and billiard tables and on exhibitions. Auctioneers pay a duty of one-tenth of one per cent., one-eighth for the use of the town and the remainder for the use of the state.

Licenses were issued by the towns to agents of foreign insurance companies until 1844. The taxes on insurance companies in general have been frequently modified by laws imposing specific taxes on agents of foreign insurance companies of from \$200 to \$350 each, and taxes on companies incorporated in the state at a rate of \$300 for stock

<sup>1</sup>The annual tax was abolished in 1812.



companies and \$200 for mutual companies annually. All such taxes, however, were superseded in 1881 by a tax of two per cent. on premiums and assessments. The taxes and fees of the clerks of court have been abolished by the introduction of the salary system. In 1872 the tax on civil commissions was increased to \$2.

Of the special taxes that on lotteries was one of the most productive. Lotteries had been introduced by private parties early in the eighteenth century; they had been forbidden by law of 1732 but were licensed in 1744, and just one century afterward the last one, granted in 1839 for five years, expired. They were prohibited by the constitution of 1842. They were a prolific source of income, but though used to some extent to procure funds for public improvement, they were used even more for private purposes, and the receipts from them sel-



TICKET IN THE PROVIDENCE FIRST CONGREGATIONAL LOTTERY.

From the original among the Providence Town Papers.

dom appear as a part of the state income. They reflect the moral standard of their time and were a fitting accompaniment to the wholesale issue of paper money. The economic ills which they caused were incalculable, but they had the sanction of the well-to-do and educated classes until far into the present century. The objects to which they were devoted were varied. Introduced first for building Weybosset bridge, they were granted for building churches, parsonages, furnishing funds for educational institutions, building the market house in Providence and constructing roadways, repairing public buildings and building piers. Those who had become bankrupt by paper money and could not dispose of their property to advantage platted their land and issued lottery tickets against it. Those who suffered by fire on

land or by storm or pirates at sea recouped their losses from their fellow citizens by a lottery. Brown University profited by a lottery scheme, and the steeple of the First Congregational meeting-house is a monument erected by an appeal to the gambling spirit of lotteries.

The lottery taxes of one per cent., imposed in 1826, yielded, during the four years 1827-31, sums varying from \$7,000 to \$16,000 and averaged about \$12,000 annually. Beginning in 1831 it became customary to pay a specific bonus in lieu of the tax, the usual sum being \$10,000. The state's income under this system averaged about \$9,400 a year until lotteries were prohibited. The appropriation of the income from lotteries to the establishment of a permanent school fund in 1828 was a peculiarly fitting use for the state's share of the proceeds of a system sanctioned by ignorance and productive of vice.

Another tax, more important and equally easy to collect, but not now productive, was the tax on banks. It was first levied by a law of 1804 and imposed a duty of one-third of one per cent. on their capital stock. The representatives of Providence, Bristol and Newport counties opposed the passage of the act vigorously and attempted to have the rate reduced to one-fourth of one per cent., but failed. The ground of objection was that it unjustly discriminated against a peculiar form of business, but its advocates claimed that incorporated institutions like banks, by terms of their charters, possessed peculiar advantages and privileges and should bear a share of the public burdens proportionate to the special privileges thus granted to them by the state.<sup>1</sup> Opposition was powerful, however; the banks delayed returns and tax payments were deferred. The law was repealed in the following year. It was revived in 1822, but with the tax fixed at a much lower rate of fifty cents on every thousand dollars of capital stock. The rate was increased from time to time until in 1853 it reached thirty-three cents on each one hundred dollars. Both because of the increase in the rate and the increase in banking capital, the income increased from a little over \$2,000 at first to an average of nearly \$70,000 in 1860. In 1831 an additional tax of two and one-half per cent. on every increase in capital stock was imposed, and during some years a bonus of one and one-half to two and one-half per cent. on the capital stock was paid for the grant of a charter. In 1849 a tax was also levied on all reserved profits over four per cent. of the capital stock. Opposition to the tax of 1822 was more vigorous but less successful than in 1804. The banks claimed that their charters were contracts between themselves and the state, that the vested interests of their stockholders and customers were inviolable, that they were legally and fully performing their part of the contract by offering certain advantages arising out of banking facilities to the public. The supreme court, however, decided that as the charters contained no

<sup>1</sup>The extraordinary nature of those privileges will be discussed later.

clause conferring on them immunity from taxation they were not exempt.

Taxes under this law ceased to have any importance after the national banking act. In 1860, however, a tax of fifteen cents was imposed on each \$100 of deposits and reserved profits of savings banks. The rate has been increased to forty cents and now yields over \$350,000 annually—being about one-fourth of the state's total income.

Licenses for the sale of spirituous liquors were, as we have seen, early regulated by the state. In 1709 the rate of license was fixed at £10, and in 1728 the distinction between retail and wholesale seems to have been for the first time clearly made, the restrictions on the sale of intoxicants having previously, and indeed for many years afterward, applied rather to the classes of persons who were allowed to buy than the quantity sold. The license question was therefore rather social and local than financial and state, and in the enforcement of the laws much was left to the discretion of the town councils. The social aspects of the question were strongly emphasized in a proposed bill submitted to the towns for approval in 1753. In this interesting instance of the survival of the referendum stringent clauses were proposed in regard to illegal selling and more efficient methods of meting out justice to violators of the laws were provided, but as in the case of the reference to the towns of the question of the repudiation of the state debt in 1787, we have no record of specific action having been taken. The purely local scope of license is further illustrated by the facts that until 1822 the whole of the license fees inured to the town, and the fines for breach of the law were devoted, one-half to the use of the poor of the town and one-half to the complainant, until 1826. In the former year \$2 was paid to the state on every license granted, and in the latter year one-half of the fine was taken by the state.

Much of the discretionary power lodged in the town councils had been directed also toward the selection of the proper persons and the determination of the number who should be licensed. The state had aided them in this respect to some extent, but the last state restrictive enactment bears the date of 1806. Retail selling by the law, that is, the sale of less than a pint to be drunk on the premises, was confined to tavern-keepers. The law was repealed in 1817 and licenses could be granted to any one.

The license fee was small, being \$4 to \$20 by the law of 1798. The assumption by the state of \$2 for every license and a share of the fines, together with the increase of the rate of license to \$5 and \$50—the result of the wave of temperance agitation in 1830—mark the beginnings of the fiscal importance of liquor selling.

The public attitude toward liquor licenses has resulted in various laws affecting the traffic since 1830. Thus, from 1838 to 1841, and from 1845 to 1852, local option prevailed. From 1841 to 1845, from



1852 to 1863, and from 1874 to 1875 legislative prohibition prevailed. From 1886 to 1889 constitutional prohibition was in force, and since that time license with a modified form of local option has been provided for. During the periods of license the state and indeed the local income was of relatively little importance, as until 1867 the retail license fee was only \$50. But beginning in 1863 the state took a portion of the license money. The amount then by law appropriated to the state treasury was three-fourths of the local receipts. This law may be looked upon as a war measure. Soon after the war, namely, in 1867 the state's share was reduced to one-half, but at the same time the first reasonably high license law was enacted. The distinction between a wholesale and retail business was determined by the value of the liquors sold, \$30,000 of business being the dividing line; all dealers doing over that amount of business paid \$500 and retailers \$350. The receipts from the city of Providence, owing to these two changes in the law, increased from about \$5,000 to \$34,000 in one year. The state's share was again reduced in 1889 to one-fourth of the local receipts, and the wholesale license fixed at from \$500 to \$1,000, while the first-class retail was only advanced to \$400. The state income from liquor licenses in 1900 exceeded \$109,600 and that of the towns \$338,000.

Owing to the large income from the various special license taxes and the receipts from the United States deposits, in 1837 and a few years thereafter, the state levied no general property taxes on the towns from 1824 to 1849. Taxation was, however, still maintained by the towns for local purposes, and the law governing it developed almost wholly along the line of exemptions and the classification of corporate property. On its administrative side taxation has made but slight advance within the century. The old form of a personal return under oath, required by the law of 1704, is still relied upon as a means of reaching all kinds of property, although returns ceased to be made to any great extent about the year 1830. The personal returns occasionally made since that time, especially those of recent years, have been in most cases only made as a means of escaping taxes imposed by the assessors. The taxpayer has no redress from over assessment unless he has previously made a sworn return. Responsibility for the enforcement of the law rests, therefore, upon the assessors.

The law of 1748, authorizing the towns to assess taxes for defraying incidental expenses and for paying local indebtedness "on real or personal estates or both, and on polls", was interpreted as giving to the town the option of levying a poll tax in connection with a property tax, or levying only property taxes. The town of Providence ceased to levy a poll tax in 1792. The state, however, continued to levy poll taxes until 1811, when they were prohibited by law. A registry tax, or a tax for the privilege of exercising the franchise, was

imposed by a law of 1844, but no poll tax was subsequently levied in Rhode Island until 1889, when a tax of \$1 was levied on all, "who if registered would be qualified to vote". This law, however, is of local importance only because the state taxes are levied upon general property only, and since 1849 the towns have generally assumed the payment of the sums levied upon them by the state and taken the funds to pay them with from their general income.

Except for the abandonment of the poll tax in 1811, exemptions have related to property devoted to religious, charitable and educational purposes. The indefinite law of 1769 was made more specific in 1829 by limiting the exemption of religious and educational property to the buildings devoted to such purposes and the land on which they stood. About the year 1850 the rapid increase of the foreign population of the state and the consequent growth of the number of those who were members of the Roman Catholic church added to the importance of the question of tax exemptions of religious and educational property, while at the same time the rapid development of the state increased the value of such property. Exemptions were then limited to three acres of land, so far as such land was used exclusively for religious and educational purposes. The subject of exemptions became a political question, and a few months after the enactment of the above law, a state election having intervened, it was repealed, and all such land "not leased or rented" was free from public dues. Two years later even this limitation was repealed and all property, whether real or personal, used in connection with religion and education, or the income of which was devoted to religion or education, was exempted. In 1870 the real and personal property of free public libraries or incorporated library societies was added to the list, while the exemptions of the personal property of religious and charitable societies was limited to \$20,000. The financial crisis of 1872 emphasized the questions of exemptions anew. It was estimated that the property exempted by law throughout the state was worth \$20,000,000. It was pointed out by those who were opposed to any and all exemptions that the existing laws did not conform to the fundamental principles of Rhode Island, which pronounced for a distinct separation of church from state, and that this principle had been voiced in the constitution of 1842, which expressly declared that no man should "be compelled to frequent or to support any religious worship, place or ministry whatever". In the arguments presented before a committee of the legislature a prejudice against the Roman Catholic church was but ill-concealed. Many seemed to see in its teachings a lack of respect for and loyalty to the state. The Romanists, however, claimed that the establishment of parochial schools saved the city an expenditure of a large sum of money for educating their children. The law passed, as a result of the free discussion of the question at the time, bore heavily

upon the schools of the Catholics. It exempted only "buildings for free public schools or for religious worship" and the land upon which they stood to the extent of one acre, so far as both land and buildings were used exclusively for such purposes. Under this law the rented property and invested funds of such institutions and the school property of the Catholic church and other semi-private educational institutions were taxed. The Supreme Court in a test case which was presented to it declared that the Catholic schools were not "free public schools" in the statute sense of the words. Continued agitation in favor of extending exemptions to the schools of the Catholic church resulted in the passage of a law to that effect in 1894. Charitable institutions were also added to the list of those whose buildings and land to the extent of one acre were freed from property taxes. There can be little doubt that such laws, in as far as they relate to religious property, violate the strict letter of the state constitution, but in view of the incalculable value of religion as a conservator of our political institutions, the statute law of exemptions is much more sane than the antiquated narrowness of the constitution of 1842.

The deduction of personal indebtedness from the valuation of personal property, provided for in the valuation laws of 1766, became a part of the general law of the state in 1857. Soon after the Rebellion it was provided that personal indebtedness should be reduced by the amount of government bonds owned by the tax payer, and only the balance of his indebtedness should count in offsetting the value of his personal property.

The property of Brown University and that of its professors was exempted by its charter, granted in 1764, but by an agreement with the University corporation in 1863 the exemption of the property of its professors was limited to \$10,000.

A potential law relating to exemptions was passed in 1892. By it town electors were empowered to exempt manufacturing property from taxation for a period not exceeding ten years. Some towns have taken action under this law and certain large manufacturing properties have been exempted. The constitutionality of the law, however, is doubted by many and public opinion is generally opposed to it.

In discussing the law of taxation as applied to corporate property, it will be well to recall the fact that by a law passed during the Revolution real estate was taxable to the occupier. The peculiar nature of the corporation as a legal personality capable of owning all sorts of property, although recognized in the charters which were issued to banks and insurance companies about the beginning of the present century, does not seem to have been considered by the tax assessors. It is not improbable, therefore, that the occupiers' tax then in vogue may have been the cause of the custom, which was adopted by the assessors of taxing the first corporations for their real estate only.



At the same time stockholders were taxed for their stock held in such corporations, and if such stock had been taxed at its full value, the results would have been double taxation of all real estate owned by the corporation. But as property was then not assessed at more than two-thirds of its real value, perhaps little injustice was done. With the introduction of the manufacturing corporations, however, the forms of corporate property began to be more complex, and it became necessary for the laws to specify to whom the various forms of it should be taxed. The law of 1822 declared that the waterwheel, the main shaft and other fixed machinery should be considered real estate, and that picking and carding frames and other movable machinery should be considered personal property. The custom of taxing real estate to the occupier and personal property to the owner, when coupled with this law, resulted in taxing fixed machinery to the corporation and movable machinery to the stockholder. By a law of 1844 machinery of every kind and nature propelled by steam or water power was taxed at its locus to its owner, and fixed machinery was declared to be real estate only when owned by the owner of the building to which it was attached. In 1849 the list of especially taxed property was increased so as to include "merchandise, stock in trade, lumber, coal, stock in livery stables, machinery and machine tools belonging to persons not residing in this state". Such property, like machinery, was to be taxed to its owner at its locus.

Corporate forms of industry increased rapidly in number and character between 1830 and 1850. The statute of 1837 first provided for co-partnerships of limited liability, and in June, 1847, the first general corporation act was passed. The character of a corporation as a legal person for purposes of taxation began to be more clearly understood. When, therefore, in 1855, the tax laws were codified, bodies corporate as well as individuals were required to make a personal return of their ratable property. Real estate which, by a change made in the law in 1826, had been taxable either to the occupier or owner, was for the first time made exclusively taxable to its owner. This law also for the first time particularized personal property. It was declared to include all goods, chattels, moneys and effects, debts due from solvent persons and stock and shares in corporations, except those of religious and charitable corporations, and such property followed its owner for purposes of taxation. Machinery, however, and certain forms of tangible merchandise belonging to those residing outside of the state, though classed as personalty, were taxed to their owner where they were located.

It was evident that from the clauses requiring a personal return from corporations, the inference might be drawn that corporations were to be taxed for both real and personal property, while the clauses defining personal property implied that stockholders should be taxed

for the value of their stock. If so, both the real and personal property of corporations would be twice taxed. The courts, however, decided in the American Bank case, that the personalty of a corporation was represented by its stock and could alone be taxed to its stockholders at their residence. In a codification of the laws made in 1857 an attempt was made to assist the assessors on these indefinite points in the law. It was provided that no shareholder should be deemed liable for taxation for shares held in corporations within the state which in their corporate capacity were taxed for the amount of their capital stock. In 1872 the words were changed so that shareholders were not taxable for shares held in corporations which in their corporate capacity were taxed for the amount of their corporate property. Such phrases were of little value, however, inasmuch as the early laws did not provide any means of reaching, through the corporation, the names of its shareholders or the value of their holdings. The law of 1872, therefore, also marks a step in advance on these points. Assessors were given power to demand the amount of stock held in any corporation by any individual living within their jurisdiction, provided such individual was named in the request, and in the returns required of corporations, the par value and the cash market value of their shares and the proportionate amount per share at which their real estate and machinery were last assessed were to be stated. Stockholders were to be taxed for the difference between the cash market value and the proportionate value per share of real estate and machinery, if any, for which the corporation had been last assessed. These latter clauses were mandatory, and under the court's interpretation of them corporations were liable to taxation only upon real estate and machinery.

It is plain from the phrasing of the tax laws that they were framed to meet the needs of a period in which corporations were exclusively confined to banking, insurance and manufacturing enterprises, and with a special reference to the last. Within the last two decades another form of corporation, the business corporation, devoted to the wholesale and retail trade, has become common, but the tax laws of Rhode Island have not been modified to meet the changed conditions. By a premature dictum of the court, rendered in 1887 in the Dunnell Manufacturing Company case, it was declared that the laws providing that corporations should be taxed only for real estate and machinery were applicable to all business corporations having a capital owned in shares. As a result of the inadequacy of the law, therefore, all tangible property in the form of stock in trade, owned by retail and wholesale business corporations, has been brought within the purview of the law intended to apply to manufacturing corporations. It might seem that such property, when owned by those residing outside the state, could be taxed under the clause taxing stock in trade at its

locus, when belonging to such persons, but such non-residents have formed themselves into corporations under Rhode Island charters and a Rhode Island corporation is a legal resident of Rhode Island. As a corporation it can only be taxed for real estate and machinery. The curious fact in this condition of affairs is that a Rhode Island corporation, whose stockholders reside without the state, cannot in its capacity as a corporation be taxed for the stock in trade with which it does business, but because it is a corporation and a legal resident of the state, its non-resident stockholders cannot be taxed for its personal property. It has been estimated that within the city of Providence alone tangible personal property, in the form of stock in trade to the value of \$20,000,000, escapes taxation.

We have seen that toward the end of the last century the custom had been to tax every kind of property, with a few specified exemptions, but it was not the custom of the local assessors nor of the state committees of valuation to tax all property at its full value, although in many cases they claimed to do so. There was a special tax law during the Revolution, directing a full valuation to be placed on all property, but no general law to that effect. In the laws providing for state valuations in 1849 and 1855 provision was made for undervaluation of country land, as had been done in the valuation of 1767. The committee of 1849 was to estimate at two-thirds of their value "all farms and farm lands and waste and unimproved lands except town and village lots". The first law to specifically direct that all taxable property should be estimated at its "full and fair cash value" was that of 1855.

State valuations have been adopted in 1796, 1824, 1849, 1855, 1874 and 1893. The committee which reported in 1796 seemed to have been actuated by political and sectional motives, rather than by a spirit of justice. A convention held in Providence protested against the report and declared that the committee had made "arbitrary and capricious apportionments" of value to some towns in Providence and Bristol counties, in spite of evidence to the contrary; that in some towns property was estimated by the local committees at its full value, in some at only three-fourths value, in some at fifteen years' rent and in some, entirely regardless of actual prices, in terms of corn at three shillings a bushel; that when the state committee met to equalize the returns of the town committees and make final apportionments, several days were spent in adding sums to certain towns ranging from 25 per cent. to 100 per cent., "without regard to the quantity of land or stock or the number of inhabitants", that when it was decided to reduce the total valuation from \$16,000,000 to \$15,500,000, reductions of valuation were made in those towns which would give the greatest number of votes in favor of the estimate. Washington county, the most fertile in the state, with 18,075 inhabitants, was valued at \$2,780,000. Provi-



dence county, outside the town of Providence, with poor land, less stock and 17,675 inhabitants, was valued at \$3,829,723. The total state valuation was fixed at \$15,500,000. The valuation reported in 1824 indicated that local assessors had been for many years in the habit of estimating property at from one-half to two-thirds its fair value. In Newport real estate was estimated at full value and personalty at two-thirds value, and in some of the rate lists each parcel of real estate was defined and the lands distinguished from the improvements. The state committee made its report as best it could from the returns of local committees appointed to act with local assessors in making the estimates at full value. The state valuation was fixed at \$32,640,000.

In 1849, as we have seen, the committee was instructed to be lenient with country land, but individuals were to report to the town committees a particular and exact list or schedule of "all their ratable property, annual income or productiveness". This last clause indicates an attempt to rate the ability of individuals just as the law of 1744 had done, by means of a "faculty tax". The total valuation was \$70,731,390 (\$49,398,229 real and \$21,333,161 personal). The earlier state taxes were apportionments of a lump sum among the towns, except in one or two instances in 1698-99, but in 1849 the method of a certain rate per hundred dollars was set, the sum being only three cents. The same method has been followed since. During the war period state valuations were at times abandoned and local valuations formed a basis of the state taxes levied between 1861 and 1868. Very heavy burdens were laid on the people during this period. The rate of state taxes, which was only 6 cents in 1861, was raised to 9 cents in 1862, to 15 cents in 1863, to 25 cents in 1864 and to 40 cents in 1865, remaining at that figure until 1869, when it was reduced to 25 cents.<sup>1</sup>

Of the 40 cents of taxes assessed in 1865-68, 34 cents was apportioned to debt purposes, leaving 6 cents for ordinary expenses, as had been the case in 1861. The state valuations adopted in 1874 and 1893 indicated that real estate seemed to be valued at 60 per cent. and 85 per cent. of its real values respectively, and that despite the apparent attempts of the laws to aid them in assessing corporate property, there was in 1874 very little distinction made by assessors between machinery and real estate, all manufacturing property being rated as real estate. In 1893 there seemed to be no standard for valuing this kind of property, under valuation being particularly noticeable. The system of personal property valuations in general was very defective. Personal property was thought to be valued in the most

<sup>1</sup>The rates of state taxation since 1849 have been as follows, the dates being in all cases inclusive: 1849-55, 3 cents; 1856, 5 cents; 1857-60, 5½ cents; 1861, 6 cents; 1862, 9 cents; 1863, 15 cents; 1864, 25 cents; 1865-68, 40 cents; 1869-72, 25 cents; 1873, 20 cents; 1874-78, 15 cents; 1879-80, 12 cents; 1881, 15 cents; 1883-87, 12 cents; 1888, 15 cents; 1889-1900, 18 cents.

careful towns at only 80 per cent. of its real value. Here, as elsewhere, the heaviest relative burdens fall upon those possessed of mortgages and those of limited means.

The total state valuation in 1855 had been \$118,504,576 (\$80,595,174 real and \$37,909,402 personal). In 1874 it was increased nearly three-fold, being fixed at \$328,530,559 (\$243,658,190 real and \$84,872,369 personal). There was much opposition to this high valuation and Governor Lippitt commented severely upon it, claiming that the temporary state committee was less able to determine values than local assessors. The local valuations of the towns in 1875 were \$270,415,023. The state committee's valuation of the same property therefore was \$58,123,536 (about 21 per cent.) higher than that of the local assessors. No representative of the city of Providence was a member of this committee, and it is interesting to note that the state valuation of the city was \$168,547,000, while the local valuation was \$121,954,000. Thus \$46,593,000 of the \$58,123,000, excess valuation of the whole state was apportioned to Providence alone. Only six of the thirty-six towns in the state were valued at less than the valuations of the local assessors, those so valued being with one exception wholly farming towns.

A committee report in 1891 proposed a valuation of \$396,794,000 (\$291,907,000 real and \$104,887,000 personal), but this was reduced in 1893 to \$359,549,000 (\$264,508,000 real and \$95,041,000 personal). The total local valuations at the same time were \$346,544,000 (\$262,015,000 real and \$84,529,000 personal). The local valuations of 1900 were \$407,404,772 (\$320,318,384 real and \$87,086,388 personal).

In spite, however, of the inadequacy of the tax laws and the impossibility of a just state valuation, the state is compelled to rely to a very large extent upon a direct property tax for its income, but the proportion of income from it to the total income is growing constantly less. The following figures will illustrate this fact:

	1800	1825	1850	1875	1900
Gen'l property tax	\$4,300	\$12,500	\$17,000 <sup>1</sup>	\$492,400	\$647,000
Total income.....	6,200	15,100	84,400	786,690	1,482,200

The state imposed no corporation taxes until 1881—the taxes imposed in 1863 being an incorporation tax or a fee for the issue of a charter, at the minimum rate at present of \$100 for corporations with a capitalization of \$100,000 or less, and \$100 additional for every \$100,000 of additional capitalization. The most important corporation taxes are levied by the localities, the steam railroads paying only a real property tax to each separate town through which they pass. The peculiar compactness of the territory of the state and the solidarity of its interests would seem to have made it a field particularly adapted

<sup>1</sup>This was the first year in which property tax had been collected since 1825.

for some forms of corporation tax, which, either like that of Massachusetts or New Jersey, would have furnished a large portion of the state income. But the diversity of interests between the cities and the towns, which, in the eighteenth century was illustrated in the struggles between the commercial and agricultural interests, have resulted in the latter part of this century in a system of unjust tax laws relating to corporate property, and have not been without their effect in preventing the enactment of any laws imposing an adequate state corporation tax.

A franchise tax was imposed on quasi-public corporations by a law of 1881 at the rate of one per cent. on the gross earnings, on business done within the state, of telegraph, telephone and express companies. In 1898 a tax of one per cent. on the gross earnings of street railways was provided for, unless the dividends of the company exceeded eight per cent. per annum. When the annual dividend shall exceed eight per cent. the tax is to be increased by an amount equal to such excess rate of dividend. Of the franchise taxes, that on street railway companies is by far the most important, having increased from \$17,700 in 1898 to nearly \$24,500 in 1900.

Special franchise taxes may be imposed by the cities and towns upon any of the quasi-public corporations in return for an exclusive franchise. These taxes are imposed under a law passed in 1891, and contracts have been entered into by many of the cities and towns in which electric light, gas and street railway companies are located. The rate of tax varies from one and one-half to five per cent. upon the gross earnings of such companies. The franchise tax does not exempt such companies from a general property tax. The city of Providence, under existing franchise contracts, receives in the form of franchise taxes from street railways, electric light, telephone and gas companies about \$107,000 annually.

The state expenditures show a natural growth during this period, due partly to an extension of duties performed in 1800, but largely also to the addition of new duties. The increase of expenditures was delayed in Rhode Island longer than in many other states, as the state did not undertake the building of extensive internal improvements, such as highways and canals, as did many of the other states about 1830. The interests of inland transportation were here cared for by private enterprises. The state took over the Providence and Pawtucket turnpike in the "thirties" and received some income from it for thirty years, but like the purchase of two ferries in 1748, the undertaking was not financially a success and the receipts after the first few years decreased to about \$1,000 a year. The most important act of assistance to transportation was the twelve year exemption from taxation granted to the New York, Providence and Boston railroad.

The marked increase of state expenditures, therefore, is of a later



date in Rhode Island than elsewhere, and is due to other causes; to the aid granted to the public school system, and to that widespread wave of democracy which culminated in the Dorr war in 1842, and broke down some of the barriers of conservatism which had been the natural growth of the freehold franchise. A more liberal electorate, a more liberal legislature and a rapidly growing population—there was nearly a forty per cent. increase in the decade 1840-50—combined to add to the demands on the public purse. In each of the five years ending 1848 there had been deficits in the treasury ranging from \$14,000 to \$8,000, and they amounted to a total of \$69,600. The state debt was over \$187,000, and the outgo for some years seemed likely to exceed the income by \$10,000 to \$12,000 annually. The total expenditures, which in 1800 had been but about \$5,800 and had increased to only \$18,300 by 1825, suddenly increased in the latter “forties” until maintenance charges alone exceeded \$92,000 in 1850.

This date marks the beginning of modern state finances, which can be traced statistically, but before describing the expenditures of the last fifty years, a few topics of special interest need fuller discussion.

The state entered upon the war of 1812 reluctantly. It shared with the rest of New England the feeling that its commercial interests were being sacrificed to national aggrandizement. Governor Jones spoke of it as “a war of conquest”, protracted by means ruinous and unnecessary. The state finances were not in a prosperous condition in 1812, as numerous heavy taxes had been levied to buy up the Revolutionary debt. The sum of \$60,000 was borrowed mainly for war purposes, and during the war the sum expended seems to have been about \$52,550. Of this amount the United States at various times after the war reimbursed the state to the extent of \$42,422.57.

The cost of the Dorr war was \$106,044.47, and as the state had no means of meeting the expenses, except by taxation, the expediency of a direct property tax, which had been abandoned in 1825 was discussed, but it was avoided for a few years longer by borrowing from the funds deposited with the state by the United States under the act of June, 1836.

Of the funds which Jackson took from the national depositories and distributed among the states, Rhode Island received \$386,611.33. The income of this deposit was by law appropriated to the support of public schools.

Rhode Island as a state with an excessive conservatism born of the freehold franchise and an extreme individualism which limited the state function to the narrowest possible scope, was extremely slow in recognizing the advantages of widespread public education. The first act authorizing the towns to establish free public schools was passed in 1800, after nearly a generation of almost ceaseless agitation on part

of its advocates. It was at once repealed, and the town of Providence alone maintained public schools until the law was re-enacted with some important modifications in 1828. The state then appropriated \$10,000 to be annually distributed among the towns according to the number of children under sixteen years of age. By the same act a permanent school fund was established, \$5,000 being appropriated as a nucleus, and all income derived from the taxes on lotteries and auctioneers was devoted to school purposes. The surplus of such income, over the \$10,000 to be annually distributed among the towns, was to be added to the permanent school fund. This surplus income was carried in the general balances of the state funds instead of in a special account, but for the first few years seems to have been carefully invested from time to time. In 1833 the demand on the treasury began to exceed the income, and the surplus income of the school fund became a convenient means of forced loans. In 1834 the state owed the fund \$12,884.30. Part of this sum was repaid, but in 1838 the state held \$14,662 of the school funds. Meanwhile the state had received some of the United States deposits and had loaned them to the various state banks at five per cent. interest, and had appropriated the accruing income to public school purposes, under the same conditions as had been provided for the income from lotteries and auctioneers.<sup>1</sup>

The amount distributed among the towns for school purposes was increased to \$25,000, and that sum was to be raised by the income from the public deposits, and such other sum as should be necessary was to be taken from the general funds of the treasury. Thus the total income from the funds was used to increase them, but the law was not strictly observed.<sup>2</sup> During the following two decades heavy drafts were made on the state treasury. In 1839 it was voted to build a state prison and to raise the necessary funds by direct tax, but it was found more convenient to use the United States deposits for that purpose, and \$29,526 was so used. The sum of \$103,192.72 was taken to meet

<sup>1</sup>In 1839 the income from lotteries and auctioneers was appropriated to paying the state's indebtedness to the school fund, and after such indebtedness was cancelled was to be devoted wholly to increasing the permanent school fund.

<sup>2</sup>The taxes on lotteries and auctioneers were used to eke out the income from the public deposits, and in 1840 the state owed the fund \$19,706. The next change in the management of the school funds was made by Stephen Cahoon, elected treasurer in 1841. He diverted all the income of the invested school funds, and the interest of the public deposits, to raising the annual fund of \$25,000, but at the same time he observed the law in using the income from auctioneers and lotteries to cancel the state's indebtedness. Thus, while drawing from the funds with one hand, he added to them with the other. In the next year he took enough from all these sources of income, including the tax on lotteries and auctioneers, to make the required \$25,000, and turned over to the permanent fund only about half the taxes on lotteries and credited the state's debt to the fund with that sum.

the expenses of the Dorr war, and \$10,000 more was borrowed to pay the cost of the constitutional convention of 1842. In 1844 the state owed the United States deposit fund \$142,719.21. The state arsenal cost \$13,000, and the settlement of the boundary line with Massachusetts cost \$14,800. The United States deposits were further drawn upon, and in 1850 the state owed \$194,245.88 to this account. To anticipate a little: The state having come to view the United States deposits as a gift, rather than a loan, made further drafts upon them in order to pay its obligations, until in 1857 it had used \$231,070.06 of the original sum of \$386,611.33, and the auditor congratulated the state on the fact that it was at last free from debt. The balance of the United States deposits, \$155,541.27, was in 1859 covered into the permanent school fund. That fund then consisted of nearly \$72,000, making in all \$229,435.65, which was invested in bank stocks.

From 1854 the school fund had increased rapidly, as a law of 1851 had provided that all income on the invested fund, the tax on auctioneers and the interest received on deposits of the state revenue, should be added to it. Under this law sums as large as \$16,000 were invested in a single year. Since 1860 all income from the fund itself has been turned into the general funds of the treasury and only the income from auctioneers is used to increase the principal. This income has averaged nearly \$2,000 annually, and would have largely increased the fund had it not been for losses due to unwise investments, which are prescribed by the law. The fund now amounts to \$249,183.

But if the state has not adhered to the liberal interpretation of the school fund laws, it has been liberal with the local public school system. The amount distributed among the towns has been increased from time to time, until at present \$120,000 is appropriated annually to that purpose.

The expenditures of the state since 1850 can be briefly described. The most important cause of extraordinary charges was the war of the Rebellion. At the beginning of the war the state had a floating debt of \$4,000. At the close of the war the net debt was \$3,889,000. Some of the towns and cities had also incurred war debts—the debt of \$300,000 of Providence being a typical case. The receipts and disbursements of the military department to January 1, 1866, seem to have amounted to \$7,188,974.97, but many of them were counterbalancing entries, consisting of renewals of outstanding indebtedness. There was as usual a wide discrepancy between the state's early claims against the United States and the amounts of the claims allowed by the latter. Any statement of figures must therefore be liable to some error. From now available records the state seems to have expended a net of \$5,915,805.99 for war purposes, exclusive of interest payments. Of this sum \$4,160,641.90 was raised by the proceeds of bond sales and premiums. The state received from the United States the sum of



\$1,409,036.65, and of the total amount of its final claims all but \$110 was allowed. No sinking funds were provided for the war bonds, but they were bought up by the state as rapidly as the funds received from the United States and the extra heavy taxes already noted became available. At the close of the war \$111,000 had been bought. In 1875 \$1,436,500 had been bought, and as there seemed little prospect of making further purchases at advantageous prices, a board of sinking fund commissioners was established and a fund annually set aside to pay the bonds at maturity. Although small sums were subsequently bought, the last issue of \$699,000 matured and was paid August 1, 1894. The state was free from debt.

In the decade 1840-1850 the rapid increase in population, largely by immigration, compelled the state to give more attention to the dependent and defective classes. Previously the whole of the public burden for such classes had been thrown upon the towns and the out-relief system had been generally followed. When in a few instances workhouses had been established, as in Providence, tramps, imbeciles, insane, and petty criminals were promiscuously cared for in one institution. In 1845 the state began to aid the towns in such matters by paying the board of the deaf, dumb and blind and soon afterwards the insane also. A school commissioner to care for the general school system of the state was appointed about the same time. The care of the insane was costly, and the state board of charities and corrections was organized in 1868-69, primarily to care for the insane poor by means of a state asylum. To its duties was also added the care of the dissolute and drunkards, and a workhouse was built; then a place for the poor who had no legal place of settlement or whose board might be paid by the towns where they belonged, was also built; the three institutions are collectively known as the state farm. Until recent years the accounts of these institutions, as well as those of the state prison and county jails, built in 1874-75, were kept separately from those of the state treasurer. In the schedules herewith presented the income and expenditures of all of them are classed as items of state accounts and listed under their proper heads. The addition of a state normal school in 1854, and very much enlarged in the seventies, completes the list of costly new functions which the state has undertaken during the past half century.

With the past few years, however, a number of new departments have added to the state functions in the protection of persons and property. These are a health department, commissioners of railroads, of insurance, of banking, of factory inspection, of shell fisheries having charge of the state oyster beds, of inland fisheries for stocking the lakes and streams with spawn, of dams and reservoirs, of weights and measures, of commercial fertilizers and feeding stuffs, and the state board

of agriculture, which is almost wholly occupied in inspecting and destroying diseased cattle. It will be observed that the greatest increases have been in the court and educational system and in the care of the needy and defective classes. The following tables of income and expenditure of the state in the years indicated will enable the reader to compare the various items since 1850, which was the time when state expenditures in Rhode Island began to increase rapidly:

Total income, 1800.....	\$6,000.	Population.....	69,100
“ “ 1825.....	25,150.	“ .....	90,100

## INCOME SCHEDULE.

SOURCES OF INCOME.	1850	1875	1900
Taxation, totals.....	\$65,340	\$678,120	\$1,324,000
General property tax.....	17,080	492,420	644,120
Savings banks.....	36,300	112,920	351,970
Insurance companies.....	3,160	56,800	157,610
Building and loan associations.....			400
Auctioneers.....	1,230	1,810	1,900
Incorporation.....		5,750	14,140
Corporation.....			30,070
Liquor licenses.....			109,670
Billiard and pool table and entertain- ments.....	1,260 <sup>1</sup>	3,070	6,590
Peddlers.....	6,070	3,700	2,480
Fertilizers.....			2,660
Civil commissions.....	240	1,650	2,390
Fines, fees and penalties, totals.....	10,460	39,520	51,540
of courts.....	6,210	34,900	44,570
of jails and prisons.....	4,250	4,620	6,970
Payments for services and goods, totals.....	4,270	21,990	57,870
Prisons, labor and products.....	2,350	14,940	25,700
“ board.....	920	7,050	4,020
Reformatories, labor and products.....			330
“ board.....			130
Almshouses, labor and products.....			2,890
“ board.....			3,150
Asylum, board for insane.....			13,940
Schools, tuition and board.....			7,710
Turnpike tolls.....	1,000		
Interest on deposits.....	2	17,040	2,690
Income from funds and real estate, totals.....	3,820	27,700	30,920
Dividends on school funds.....	3,335	22,090	8,710
Rents on oyster lots.....	85	5,270	20,970
Rents, miscellaneous.....	400	340	1,240
Grants from U. S. for soldiers.....			12,180
Miscellaneous.....	510	2,320	4,000
Total.....	84,402	786,690	1,482,200
Population.....	147,500	258,200	428,500

<sup>1</sup>This item includes a small income from liquor licenses. In 1875 prohibition was in force, but in 1874 the state income from liquor licenses was about \$70,000.

Total expenditure, 1800 .....	\$ 5,800
“ “ 1825 .....	18,300

## EXPENDITURE SCHEDULE.

OBJECTS OF EXPENDITURE.	1850	1875	1900
General government .....	\$ 9,310	\$36,920	\$ 87,500
Executive department .....	1,000	1,530	5,690
Financial “ .....	500	4,160	11,600
Legislative “ .....	7,810	31,230	59,920
Elections .....			10,290
Protection of person and property .....	36,000	210,100	558,220
Military department .....	300	23,830	61,160
State constabulary .....		10,550	
Court system .....	24,590	96,570	251,750
Jails and prisons .....	11,110	26,470	65,300
Workhouses .....		26,310	44,080
Reformatories .....		20,950	62,740
Miscellaneous commissions .....		15,420	73,190
Well being and convenience .....			12,210
Roads and beachways .....			10,020
Harbor commissioners .....			2,190
Needy and dependent classes .....	100	53,580	204,810
Soldiers and sailors .....			46,790
Indians .....	100	300	1,000
Almshouses .....		19,370	54,440
Asylums (insane) .....		29,910	99,250
Hospitals .....		4,000	2,500
Gifts to charitable associations .....			830
Education .....	34,900	120,710	345,690
Schools .....	34,900	114,840	3300,550
Libraries .....		1,880	13,790
Monuments and documents .....		4,000	8,980
Celebrations .....			5,010
Statistical department .....			12,360
Gifts to agricultural societies .....			5,000
Interest .....	760	160,530	82,300
Sinking funds .....			32,000
Unclassified .....	3,240	7,460	16,220
Miscellaneous .....	7,700	5,860	16,450
Total maintenance .....	92,010	595,170	1,355,400
Construction account .....			163,660
State house .....			155,240
Miscellaneous .....			8,420

<sup>1</sup>The following items make the sum total: Commissioner of insurance, \$1,980; commissioners of inland fisheries, \$1,260; commissioners of shell fisheries, \$1,200; commissioner of railroads, \$630; state board of health, \$350.

<sup>2</sup>The sum total was made up as follows: Commissioner of insurance, \$8,020; commissioner of railroads, \$3,480; factory inspectors, \$4,350; inspection of commercial fertilizers and feeding stuffs, \$3,890; state board of agriculture, \$23,450; commissioners of shell fisheries, \$4,210; commissioners of inland fisheries, \$4,760; commissioner of banks, \$740; commissioners of dams and reservoirs, \$1,170; sealing of weights and measures, \$1,660; donations to societies for prevention of cruelty to children and to animals, \$3,500; and helath department, \$13,960.

<sup>3</sup>Including \$3,660 invested for the permanent school fund.

<sup>4</sup>A state police force for executing the prohibitory law.



The expenditures for the various departments, including those of local bodies, can be given only in a few instances. The court system of the state includes the cost of the whole department except local police courts and probate courts. The local cost of these will not much exceed \$15,000. The total local and state cost for judicial purposes is about \$265,000 annually. The poor expenditures of the towns are about \$95,000; those of the state nearly \$205,000 more—a total of \$300,000; from which should be deducted about \$15,000 paid by the towns to the state and others for board of insane, leaving a net expense to the state for its poor of \$285,000 annually. The local and state expenditures for educational purposes in 1850, for maintenance were \$96,900; for buildings, \$19,000; in 1875 they were \$503,000 for maintenance and \$274,000 buildings. In 1900 they were \$1,515,000 (including \$57,500 for reform schools) for maintenance and \$218,500 for buildings and works of reference.

The payment of the bonded debt of the state in 1893 and 1894 relieved the treasury of expenditures for sinking funds and interest of \$126,350. Some time before this the anticipations of such an event had led to various plans for using the surplus funds of the state for more extensive public improvements. The prosperity of 1892 gave impetus to such ideas and the following special expenditures have been made during the ten years 1891-1900: The state home and school, \$80,000; the World's Fair, \$55,000; the state institution for the deaf, \$69,000; the soldier's home, \$97,000; revisions of the laws and constitution, \$30,000; state census 1895, \$59,000; jails, \$30,000; court houses, \$110,000; bridges, \$46,000; special highways, \$112,000; beachways, \$56,000; the agricultural school, \$120,000; the normal school, \$421,000; the new camp ground, \$50,000; armories, \$150,000; state prison, \$65,000; the state asylum for insane, \$67,000; and the state almshouse and workhouse, \$53,000. In all about \$1,700,000 have been devoted to these purposes without incurring any permanent debt. In the year 1895, however, the expenditures overran the total income by \$90,000. In order to avoid this form of indebtedness in the future the treasurer was given authority to anticipate the taxes, which are levied under a general law and due and payable without special enactments. The taxes are payable by the towns and cities on June and December 15th. The state treasurer draws an order on the town treasurer for such sums as he desires to anticipate, not exceeding the amount properly due at the next time of payment. This order, when properly countersigned, is discounted at the bank and is called a tax assignment order. In this way the treasurer has for a few months in each year anticipated the payment of taxes. In 1896 the amount thus anticipated was \$642,000 of the total tax of \$646,000. The amount anticipated has decreased each year until in 1900 it was but \$300,000 of the total tax. The discount account during the four years has been \$25,600. The

state, however, had scarcely paid its permanent debt in 1894 when the project of a new state house was sanctioned. Bonds were first issued in the same year and other issues have been made since that time. The present debt for state house purposes is \$2,300,000, less sinking funds of \$338,000. The cost to the state in the form of interest and sinking funds is \$108,500 annually. On January 1, 1901, the amount expended for the state house was about \$2,250,000, and a further issue of \$700,000 has been authorized. The state also has a Spanish war debt of \$180,000. This will be repaid by the United States.

The character of local expenditures may be gleaned from the fact that of the thirty-six towns in the state only five have city charters. The rights to levy taxes and to incur indebtedness for the various municipal departments, have been from time to time conferred upon the cities and towns, and somewhat liberal grants were made to the city of Providence beginning in 1866. The city began, soon after, the construction of a system of water works and sewers, and since that time has engaged in extensive and expensive undertakings. Toward the latter seventies the disposition to incur indebtedness was indulged so freely in Providence that in 1878 the so-called debt limitation act was passed. Under it no towns, without special statutory authority, can incur a debt in excess of three per cent. of the taxable property of the town. The increase of debt throughout the state, due to the growing municipal functions imposed by increasing population, is illustrated by the following table:

The total local indebtedness in 1870 was \$3,035,000, that of Providence alone being \$2,266,000, against which were sinking funds of \$1,070,000.

	YEAR 1880.		YEAR 1900.	
	DEBT.	SINKING FUNDS.	DEBT.	SINKING FUNDS.
Providence . . . . .	\$10,475,000	\$1,102,000	\$16,906,000	\$2,610,000
Pawtucket . . . . .	1,100,000	165,000	4,623,000	372,000
Woonsocket . . . . .	240,000	10,000	2,934,000	139,000
Newport . . . . .	152,000	36,000	912,000	130,000
All other towns. . . .	640,000	23,000	3,473,000	216,000
Totals . . . . .	\$12,607,000	\$1,336,000	\$27,948,000	\$3,467,000

#### PART IV—CHARTERED BANKING—1791-1900.

[Chartered banks in Rhode Island have had a peculiarly close association with the industry of the state. Their history cannot be understood apart from their appropriate setting in the local economic development. This chapter will therefore be divided into four sections beginning respectively with the years 1791, 1809, 1840 and 1865. The first period was characterized by banking free from state supervision

and by industry confined to commerce and agriculture. The second was a period of banking restricted by state supervision and industry almost wholly devoted to manufacturing. The third period was marked by some degree of inflation incident to gold discoveries and the civil war and consequent further restrictions in banking and by industry reorganized by the use of steam power and carried on by incorporated companies instead of co-partnerships. The fourth period has been marked by the importance of deposits and trust companies in banking and a reorganization of industries due to better methods of credit and improved mechanical devices.]

*First Period.—1791-1809.*

Rhode Island was not among the first states to undertake the role of a banker, but it drank deeper and longer than they of the cup of inflation, repudiation and dishonor. At the close of the Revolution, it was said that "punctuality in business engagements was observed nowhere outside of Philadelphia",<sup>1</sup> and Rhode Island customs and traditions had been such that the statement was particularly applicable to it. The economic condition of the people did not warrant the hope of success in a private banking enterprise. The state was impoverished by the war, the soil had been exhausted by the demands made upon it and many of the inhabitants were emigrating to the more fertile lands of the west. Trade was dull, the limited territory which was tributary to the towns offered by no means a hopeful prospect to those who remained. The two factors of encouragement were world-wide commerce of the merchants (the fitting of the first ship for the East India trade occurred in 1787), and the beginnings of the cotton industry in 1790. At this time there were only four banks in the states—one each in Boston, New York, Philadelphia and Baltimore. Providence was far behind any one of these cities in wealth or population or prospects.

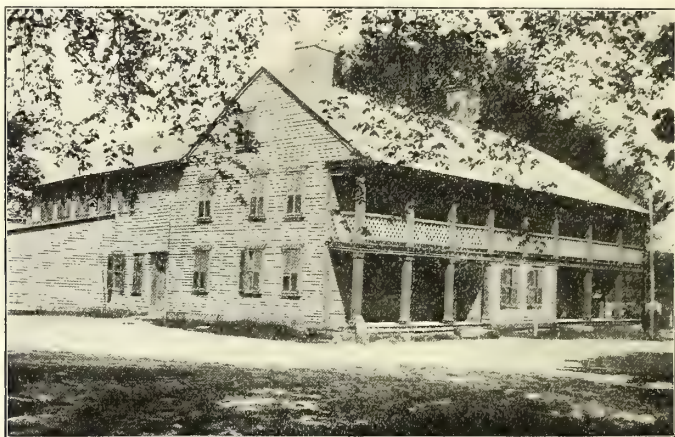
The first attempt to start a bank in the state was made in March, 1784. The project had been discussed in the public press and the advantages of such an institution had been ingeniously advertised by the promoters. The Bank of America in Philadelphia was cited as an illustration of the opportunities for investment which banking offered. The stock of that bank was in great demand and a semi-annual dividend of eight per cent. had been paid on it in January. The proposed bank was to be called the Bank of Rhode Island and Providence Plantations. Its capital was fixed at \$150,000, and the par value of the shares was \$300. Ex-Deputy Governor Jabez Bowen, John Jenckes and John Brown were to receive subscriptions, but despite the commanding influence of such men, the plans failed. Only \$30,000 was subscribed at a meeting held at the state house. The meeting ad-

<sup>1</sup>Gallatin's Works, iii, 370.



journed to assemble in a few days at "Mr. Rice's tavern". Of that assemblage there is no record, save that many of those who had not subscribed before, and among them Moses Brown, were invited to attend. Economic conditions were not ripe for the enterprise. There was very little capital available for it, and it probably did not comport with the business acumen of the Brown brothers to attempt to build a bank on stock notes, as subsequently became common. The plan for a bank lay dormant for seven years.

In June, 1791, it was revived, this time apparently by the firm of Brown & Francis, of which John Brown was a partner. Brown was in Philadelphia at the time and he had been urged to get a branch of the United States bank, then forming, established in Providence, but he found such a scheme impracticable. He advised his brother that



GREENVILLE TAVERN, SMITHFIELD.

The Greenville Bank was formerly located in this building.

Built by Resolved Waterman in 1730.

the establishment of a local bank would be the most effective method of inducing the United States bank officials to think the town entitled to a branch. He believed the time a fitting one for the enterprise, although the town was small and the field limited, "but", he wrote, "by our exertions, and favoring a good and substantial foundation for the commercial, manufacturing and mechanical rising generation, it may in time become no inconsiderable capital, but without a spring to promote our young men in business here they must and will continue to go to such places as will aid them with the means of business; and in short all our wealth, I mean the wealth as fast as acquired, in this state must be transferred to other states, who by their banks promote all the valuable arts of mankind".<sup>1</sup> This paragraph was typical of the lives

<sup>1</sup>Moses Brown Papers, August, Sept. and Oct., 1791.

of John and Moses Brown. Their zeal for all kinds of local improvements seemed almost untiring. For nearly four months they were maturing the details of their plan and comparing it with the charters and regulations of the then existing banks of this country and those of the Bank of England. They favored a small bank and limited capital of only \$100,000, but finally decided to increase the latter in order to enlist subscribers from outside the state; while to encourage those of limited means a disproportionately large vote was proposed for the small stockholder and the voting power of any individual or corporation was limited. It was also thought advisable to pattern as nearly as possible after the United States Bank. As a further inducement to subscribers, it was stated that "the institution is pleasing to the secretary of the treasury of the United States and that, therefore, every reasonable encouragement from him may be expected".<sup>1</sup> The stock was limited to \$250,000—625 shares of \$400 each. Of this sum \$50,000 was for a time reserved for the United States and \$20,000 for the state. Neither, however, subscribed. Other investors were ready. Thirteen hundred and twenty-four shares, or nearly three times the stock allotted to private parties, were at once subscribed. Capitalists and corporations from the state and the neighboring states and from Boston and New York sent in their offers. Only \$180,000 of stock was allowed, and the subscriptions of non-residents were reduced the most. The charter of the Providence Bank was granted by the general assembly October 3, 1791.

As this charter was the model of bank charters for many years, it deserves careful consideration. The preamble contains the following: "Taught by the experience of Europe and America that well regulated banks are highly useful to society, by promoting punctuality in the performance of contracts, increasing the medium of trade, facilitating the payment of taxes, preventing the exportation of specie, furnishing for it a safe deposit, and by discount rendering easy and expeditious the anticipation of funds on lawful interest, advancing at the same time the interest of the proprietors", etc. The incorporators were empowered "to have, purchase, receive, possess, enjoy and retain, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind or nature soever; and to sell and dispose of the same, to sue and be sued, plea and implead."

Practically no limitations were put upon its corporate powers, except that within the corporation itself the directors were to do nothing contrary to the regulations of the stockholders.

No specific clause conferred the right to issue bank notes, although it was implied in the clauses providing for an official examination of the notes issued and redeemed and in the clause providing a penalty for counterfeiting notes. The issue of bank notes seems to have been

<sup>1</sup>Providence Gazette, Oct., 1791.

considered, here as elsewhere, a common law right. The stock was to be paid for in installments covering a period of nine months—two-fifths in silver or gold and three-fifths in funded stock of the United States. The voting power of the stockholders did not correspond to the number of shares held. The holder of one or two shares had one vote, two additional shares were required for every additional vote for holdings between two and ten shares; four additional shares for holdings between ten and thirty; six additional shares for holdings between thirty and sixty; eight additional shares for holdings between sixty and one hundred, and ten additional shares for holdings above one hundred shares. Thus the holder of 100 shares had only twenty votes; the holder of 200 shares had thirty votes, which was the maximum number allowed to any one.

The directors had entire charge of the business of the bank "for the interest and benefit of the proprietors", and they were to declare dividends at least once in six months. They were to receive no "pecuniary advantage" for their services unless the profits exceeded six per cent. net.

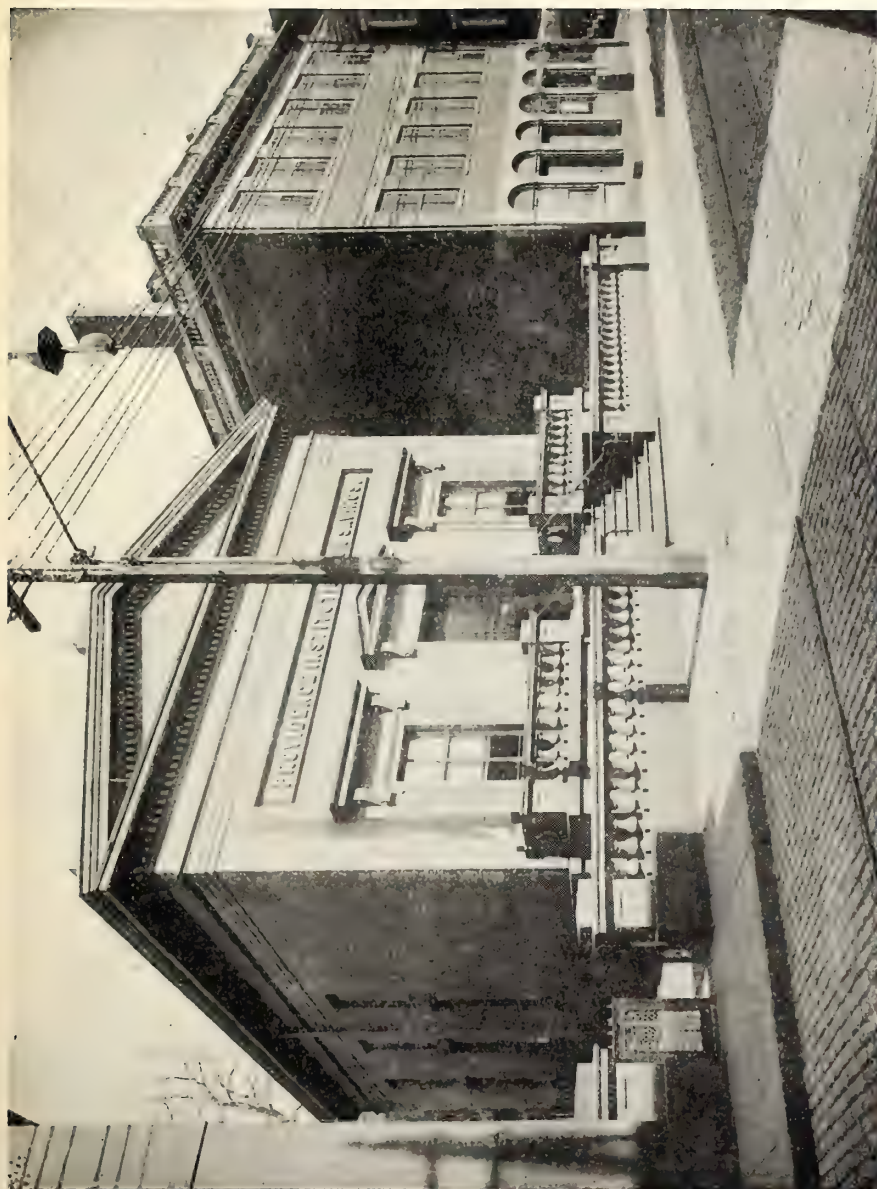
The bank was required to receive all sums of money for safe keeping, and to pay them out on order of the owner without charge. The liability of the stockholder was limited to the amount of the stock held.

The so-called "bank process" was granted to the bank. Under it when an obligation to the bank fell due, the president or three directors gave legal notice to the debtor, and on making oath before the clerk of the court, the latter was required to enter judgment against the defendant and issue execution without the usual intervening legal process of trial; but—and the modifications are important—the debtor was allowed ten days' grace before execution issued, and if upon receipt of legal notice he denied the legality of the debt or any part of it, he was accorded all the privileges of regular trial. The full force of this provision appears when taken in connection with the rule of the Providence Bank that discounts should be offered for thirty days only.

The bank process was peculiar to Rhode Island. It gave to the banks a speedy remedy against debtors not granted to other creditors. It did not provide an equally summary remedy against the bank in case it should default.<sup>1</sup>

<sup>1</sup>The provisions of the bank process must not be confused with the provisions of the present bankruptcy act, under which all legal procedure looking toward judgment obtained by one creditor is voided. The provisions for insolvency were those of the common law. The act of insolvency then in force was that of 1756. Assignment did not void previous legal procedure begun by an individual creditor. Hence the bank process did not confer upon the banks any extraordinary exclusive powers as compared with other creditors. It simply accelerated legal procedure and avoided delay in case of an acknowledged debt.





PROVIDENCE INSTITUTION FOR SAVINGS.

(BEFORE RENOVATION.) THE FIRST SAVINGS BANK ESTABLISHED IN THE STATE. NEAR THIS SPOT WAS  
THE GARRISON HOUSE OF WILLIAM FIELD DURING THE KING PHILIP'S WAR.

In the second bank charter granted by the general assembly, that of the Bank of Rhode Island of Newport in 1795, "the process" contained no clause providing ten days of grace before judgment was granted. This more summary power was conferred on all subsequently chartered banks until 1818, and in 1807 the charter of the Providence Bank was amended to the same effect.

This law has been the subject of much criticism. It has, however, an historical setting and some economic relations, without an understanding of which it has seemed strange to some and exceedingly unjust to others. Its setting and relations were as follows: The spirit which prompted the founding of the Providence Bank was voiced in the letter of John Brown to his brother, Moses, already quoted. It was not an institution for private aggrandizement, although the interests of "the proprietors" was always guarded—and properly so; its stock was not monopolized by a few, but was distributed in small lots among all the members of the community. Twenty years after it was founded its stockholders exceeded 140 in number. The largest individual stockholder, Thomas L. Halsey, had only 69 shares. Nicholas Brown and Thomas P. Ives held 65 shares each. Welcome Arnold, 58 shares, and besides these there were no large individual holdings. A very great number held from one to five shares, and the list contained the names of "ten charitable societies and fifty-one widows, orphans and fatherless children". At practically the same time that this condition prevailed in the Providence Bank other banks were organized with \$200,000 of capital, owned by only four stockholders and represented largely by speculative promises to pay in the form of stock notes. Thus from the point of view of the investor the incorporators of the Providence Bank were to a predominant degree the trustees of the interests of the community. But their trusteeship had a much broader scope than this—a scope arising from the then prevalent notions of the functions of banking.

In the face of their bitter experience the leading men in Rhode Island had not entirely escaped from the "currency" heresies of the period. Even so acute a mind as Hamilton's stumbled on this point. The preamble of the bank announced one of the objects to be the increase of "the medium of trade". It was implicitly believed that in every community there is a demand for a certain amount of representative money medium, which will pass from hand to hand at par with coin, and will not be presented for redemption if the credit of the issuers is good. Said a writer in the Providence Gazette in 1784, "Nothing is necessary to make this representative of money supply the place of specie but the credit of that office or company who delivers it; which credit consists in its always being ready to turn it into specie whenever required". "It is not necessary that the bank should

always have a fund sufficient to discharge all its notes at one time, it being enough if it is capable of answering any demand and paying all notes as soon as presented". The writer calculated that notes equal in amount to twice the capital might safely be issued, "though this depends much upon the nature of the business the notes are to be employed in".<sup>1</sup> This was a clear statement of the prevailing thought. It was the currency principle in contrast with the banking principle. It maintained that in connection with the demand of the community for representative money, a certain amount of paper may be issued by a banking corporation, that the amount is not limited by the quick assets of the bank in the form of specie, nor even by its contingent assets in the form of capital; but that somehow and somewhere in the corporate personality of a bank is an intangible something called credit, upon which a currency medium may safely be based. When a few years later the excessive issues of paper notes by the banks in one or two instances destroyed their convertibility, the legislators sought the remedy, not in a reduction of the amount of notes issued nor in an increase of the specie reserve of the banks, but in an increase of the intangible credit basis of the notes represented by increased liability of both directors and other stockholders. Later note issues were limited to a certain proportion of the paid-up capital, but no laws of the state ever fixed the amount of the bills issuable by the amount of quick assets or specie on hand. Something of the same thought had been expressed in the general public condemnation of those who had at earlier times presented bills of credit to their issuers for redemption in specie. We now know that these ideas arose partly from custom and tradition and partly from a real scarcity of money media, but their fundamental fault lay in mistaking a want of capital for a want of money media. What they needed most was circulating capital. They thought they wanted a means of making goods circulate more readily, that thus consumer and producer would be brought closer together; that trade and commerce would be stimulated and, if prices rose somewhat, such a rise would indicate simply a normally increased demand for both products and labor—which demand had not before been normal because of the absence of money media. They did not know that, aided by the forces of nature, capital or wealth can only increase by the action of mind and muscle upon matter. The effective demand for goods comes from a supply of other goods and cannot be created by such money media as are mere counters in a game that in its last analysis is simple barter. Plentifulness of money media was believed to be equivalent to increased activity of it, and to a greater ease in getting it. The same thought has constantly reappeared in our monetary history from that day to this. Their idea, therefore, that

<sup>1</sup>Gazette, 2-20, 1784.



there is a demand in the community for representative money media beyond the ability of existing capital to supply, when aided by discount banking, was erroneous, as was also the notion that such a necessary excess of money media could be supplied by an intangible and then little understood factor called credit.

But if there was a fundamental error in their thinking there was also a fundamental truth in it. There is a demand for a representative money media in every community, but it can be adequately supplied by the processes of discount banking and by the conversion of wealth into the money forms of capital. The difference between a circulating medium based on the banking principle, and a circulating medium based on the currency principle, lies not simply in the fact that the one is based on existing capital, while the other is based on intangible credit, but in the fact that the circulation of the former currency is constantly ebbing and flowing and may at times be all redeemed and entirely disappear, while the latter is a permanently circulating fund, which is not expected to be redeemed.

The Providence Bank then, in 1791, was to supply a circulating medium to a community believing in the currency principle. Some of the circulation was to be convertible and was to be converted from time to time. Some of it was to be convertible but was not to be converted. The determination of the amount that would not be redeemed was the unknown factor in the problem, and it was the dangerous factor. If the promoters of the bank were to furnish a medium that would always be maintained at par with coin, such factors must be eliminated as far as possible. If the bank was to act as trustee for the interests of the community in furnishing it a medium as good as real money, it was not too much to ask that the community itself should stand sponsor for the integrity of its individual members. The quick assets of the bank would not suffice to redeem all of the issues at one time. The contingent assets must be brought as near as possible to the condition of quick assets. The bank process, by avoiding legal delay on an acknowledged debt, converted all overdue paper into a quick asset, and the principle of a thirty day discount eliminated the delays incident to realizing on long time or accommodation paper. The public demanded that the bank notes should be redeemable in cash on demand, the bank in return asked that the public pay cash on demand to it on its matured notes. Strict punctuality on part of the one could only be maintained by strict punctuality on part of the other. The "bank process" enabled the bank to enforce that punctuality upon others which others demanded of it.

It was therefore a device to insure the convertibility of the large issues which the community demanded. It stamps the originators of it and the founders of the Providence Bank as men capable of adapt-

ing their institution to its peculiar environment. It marks them as resourceful and as remarkable in banking management as they seem to have been in their other enterprises. They discovered that any system of credit is absolutely impossible without the efficient co-operation of a sovereign government. The bank process provided for this co-operation. It was a new device in the then state of finance and it was effectual.

They did not overlook other means toward the same end. The payment of three-fifths of the value of the stock in United States bonds, and the retention of the bonds for many years in the vaults, were also a part of a plan to maintain a reserve in a form that had both earning power and convertibility. In 1800 when, owing to political or other causes, an unusual demand was made on the specie reserve, John Brown, then a member of congress, sent a draft on the United States Treasury for \$13,699 in coin to the bank. He ordered \$10,000 of the United States bonds to be sold and \$20,000 of specie loans to be called in.<sup>1</sup>

It has been assumed that the bank process was unnecessary, but it is the part of wisdom to forefend necessity by providing for it, and it is not improbable that the lack of apparent necessity for the exercise of the process at first was caused by the fact of its existence. It has also been claimed that it was unjust. But conditions were peculiar. The debtor classes had been taught by eighty years of paper money issues that an evasion of debts was to be made easy; that scaling them was the natural order of things. Within two years the state legislature itself had repudiated fourteen-fifteenths of all its obligations by redeeming them at a rate of 15 to 1. The sense of honor and of moral obligation of the community had been dulled, not only by the direct acts of the assembly, but by repeated laws for easing debtors and a general system of judicial procedure that approached closely to a travesty on justice and seriously threatened the inviolability of contract. Many had become accustomed to do as they pleased in financial matters and lawful restraint to them was synonymous with despotism. Those versed in the political and social history of Rhode Island and the attitude of the people toward the federal constitution will easily understand that the state was a hotbed of such as not only opposed a centralized government, but suffering from debt, poverty and generations of laxity in business matters, opposed it because it stood for that very punctuality of payment and inviolability of written agreement which was foreign to their loose ideas of freedom. Some of them had forgotten that Rhode Island commerce had been threatened with ruin by a continuation of depreciated paper issues in 1751 and that only when, at about the close of the Seven Years' War, all money was kept

<sup>1</sup>Moses Brown Papers, Dec. 15, 1800.

at par with silver and money contracts had a tangible value, the state regained some of its former trade and entered upon the few years of its greatest business prosperity during the colonial era. The great majority of the people knew no way of paying one obligation but by creating another. They had used the state issue of paper money in 1786 for that purpose, and they were ready to toss up their caps in praise of an incorporated private bank that would aid them in the same way. They did not know that in any community based on the principle of private property the getting out of debt is just as necessary as getting into it. The Browns and their associates did. The bank process was devised to meet this state of habitual negligence in mercantile matters. It simply compelled such men to be punctually honest. Naturally they did not like it.

In some instances it may have worked hardship, but the misfortune of a single individual was by no means comparable to the hardships which might have been entailed upon the whole community by an irredeemable currency. It is seldom an injustice to require a man to keep his agreement. The injustice at that time lay not in the bank process as in the prevalent notion that the bank as a creator of money was a creator of wealth in which all wanted to participate. Few men knew how to use capital; fewer how to use credit. The system of issues of currency a few years later made the obtaining of credit easy. It was to blame for fostering imprudence, not the bank process for insisting that imprudence should reap its just punishment. There is no evidence that the bank process was abused or that numerous cases of hardship resulted from it. On the contrary, the banks frequently carried accommodation loans by renewal for many years, rather than distress a borrower.

The law also had its political relations. The peculiar individualism of the state which limited legislative action to a narrow field was illustrated in all the bank charters. The result was a remarkable absence of any degree of state control or supervision. The state as such never subscribed for bank stocks (it bought some bank stocks for the permanent school fund), as was the case with other New England states. No reports were required of the banks for many years. No limitations were placed upon their issues of notes and no bank charter was ever granted for a specific term of years. All were unlimited as to time.<sup>1</sup> In every respect the corporations were subject only to individual direction and management. This absence of restrictions was normal to the inherited customs of the people, but it placed a very great degree of responsibility upon the directors of the first few banks. They could not shield themselves by a technical conformity to restrictive

<sup>1</sup>Only one charter was amended so as to give it a limited life of thirty years, that of the Bristol Commercial Bank, June, 1811. The amendment was soon repealed.



law. The bank process, however, enabled them to shift some of their responsibility to the community, to which they were furnishing both a cheap money medium and liberal loans.

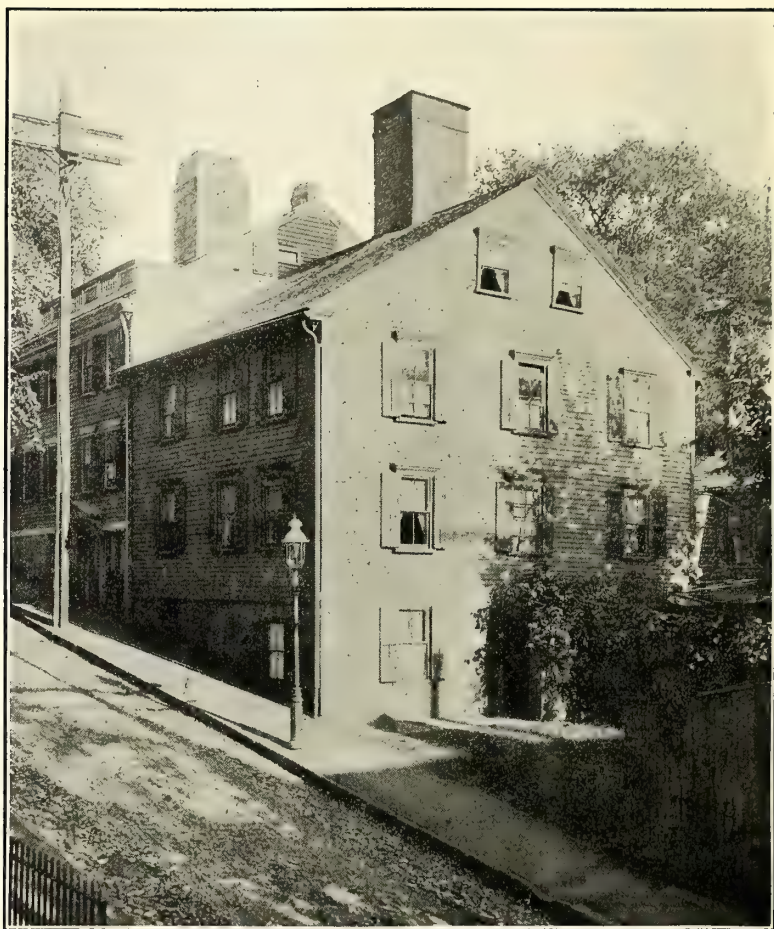
Such was the bank process in its origin. The false notions of currency, the demands of the community that the bank should issue it in liberal quantities, the trusteeship for the community's interest in maintaining it at par—all were parts of a system in which the bank process had a proper and necessary place. About 1810, when banks ceased to be trustees for the business interests of the community, when circulation was no longer issued to meet the needs of the community, but for the sole purpose of speculation and gain of a few stockholders—then the bank process became an anomaly, but some years passed before, in 1818, owing to these facts and to the business distress then prevalent, it was modified.

The Providence Bank acted also as a bank of deposit, but rather as a safe deposit vault than according to the modern deposit system. Discounting seems largely to have been done by means of cash payments of bills and coin, or by a check on some other distant bank, rather than by a credit of the proceeds to the account of the borrower.

With these functions and powers the Providence Bank opened its doors for business October 10, 1791, "on the south side of the new paved street commonly known by the name of Governor Hopkins's lane". In two small rooms on the main floor of the building still standing, this noteworthy institution transacted its affairs more than ten years. From the ceiling of the back room project two huge eye bolts, to which were attached the pulleys for raising from and lowering into the cellar underneath, the chests of silver and gold. The only entrance to the cellar-vault was closed at the end of the business day by a trap-door, and there is a tradition that in a chair placed upon it the bank watchman sat from sunset until bank hours in the morning.

Four years after the Providence Bank was organized the Bank of Rhode Island was chartered with \$100,000 capital and authority to increase it to \$500,000. In 1800 the Washington Bank of Westerly, and the Bristol Bank of Bristol, were chartered with \$50,000 and \$80,000 capital respectively, and authorized capital of \$150,000 and \$300,000, and by 1809 the legislature had chartered fourteen banks with capital of \$1,535,000 and authority to increase to \$5,000,000. The state population was at that time 75,000 and the actual banking capital exceeded \$20 per capita.

Banking facilities so ample were of course not wholly an outgrowth of the commercial and agricultural business needs. Here, even more than elsewhere, the political and sectional influences early played an important part in the establishment of banks. Scarcely had the Providence and Newport banks been started when the agricultural



THE FIRST OFFICE OF THE PROVIDENCE BANK.

IN TWO ROOMS ON THE SECOND FLOOR OF THIS HOUSE THE PROVIDENCE BANK WAS ESTABLISHED IN 1791. THE STREET UPON WHICH IT STANDS WAS FOR MANY YEARS SUBSEQUENTLY CALLED "BANK LANE." THE ORIGINAL NAME OF HOPKINS STREET WAS RESTORED AFTER THE BANK WAS MOVED TO SOUTH MAIN STREET.

interests began to demand banking favors of the general assembly. Said the incorporators of the Washington Bank, in June, 1800, "considering that those banks, which are at present established in this state, are too remote or too confined in their operations to diffuse their benefits so generally to the country as could be wished; considering the embarrassments into which a farmer is frequently drove for the want of means of stocking his farm at those seasons of the year when money is obtained with the greatest difficulty; considering that in a place particularly fitted by nature to encourage the industry and ingenuity of the mechanic by holding out the sure prospect of a suitable return for his enterprise, nothing is wanting but those little assistances from time to time which banks only can give"—now therefore, etc. Two-thirds of the directors of the bank and the president were required to be residents of Washington county.

The preamble of the Rhode Island Union Bank of 1804 assumed that "a bank in which the agricultural and mercantile interests should be united would be productive of the most beneficial advantages to a state like ours, where those interests are so blended and dependent on each other. In the establishment of banks heretofore the interests of the farmer have not been sufficiently consulted and the pledge of his real estate, the best security in his power to give, is not accepted". The charter prohibited the bank from owning ships or vessels or being directly or indirectly concerned in trading and selling goods, except such as came to it by way of pledge.

Rhode Island bank charters did not, as those of some other states, set aside a specific portion of the capital to be loaned on land security, but the assumed antagonism of interest voiced in the preambles just quoted was repeated in ever broadening circles throughout the country for many years. The balance of trade so to speak, between the farming and commercial sections was more adverse to the former in this state than in many others, because of the poverty of the soil. The disadvantageous situation of the farming population, here illustrated in miniature, had its complete analogue a few years later in the relation between New England as the center of manufacturing and the middle west as the center of agriculture. As the farming section of Rhode Island complained of the towns, as commercial centers to which money media gravitated, so later the middle states and the west complained of New England as the point to which specie was always flowing. As population spread westward other states in turn tried the same banking experiments which had earlier failed in the eastern states; those experiments were always, under different forms, attempts to adopt a banking system to the farmers' needs. The attempt to issue circulation in liberal quantities on the mere credit of the issuer, and redeemable on demand in coin, and at the same time to make loans on farming



lands renewable for many years, was to attempt the impossible. The farmer needed loans for a series of years, and such loans being practically permanent investments, were entirely incompatible with the issue of money media convertible on demand. The absence of any effort on part of the early banks to accumulate a surplus aggravated the inherent difficulties of management. It is not surprising, therefore, that the Washington Bank was compelled at times to suspend dividends and replenish its "impaired capital."

The commercial banks, however, here had little superiority over the agricultural banks with regard to the length of time which their paper might run. Despite the thirty day clause in the rules of the Providence Bank, it could not but happen that a very large portion of its discounts and those of the other banks would be renewed again and again. There were long periods intervening between the beginning and the end of the voyages of the vessels belonging in Rhode Island—and its trade was almost wholly on the seas. Thus the discounts of the merchants approached very closely to long-time accommodation paper. The complaints of the farmers at this discrimination against them were, therefore, probably well founded.

Banks formed for the benefit of the agricultural interests, if managed properly, might have accomplished some of the ends for which they were organized. According to their preambles, at least, their object was the best interests of the community. Many banks, however, were chartered without preambles, and the reason for their existence was neither the benefit of the state nor that of the community. Some of them were purely personal institutions, organized partly, at least, as adjuncts to other lines of business or for political reasons.

The business most closely associated with early banking was that of insurance. For many years at first it was largely concerned with marine risks, and as the towns of Providence, Newport, Warren and Bristol were all engaged in the shipping industry, and the voyages were in many cases two years in length and involved valuable cargoes, the business was very profitable, though hazardous. Partly from its hazardous character it was necessary that the insurance companies should have large capitals. Such capital, however, was merely nominal in most cases, and like that of many of the banks organized soon afterward, was represented by stock notes payable in installments at various intervals. The insurance companies seem to have had no offices and the banks acted as their fiscal agents. In case losses necessitated, the stock notes were discounted by the banks, and a bank became a very necessary adjunct to the insurance companies, which had no quick assets, but were liable to be called upon for a large amount of money at any time.

The business relation between the banks and insurance companies was close in other respects also. The marine risks which the insurance companies carried were large and, as is the custom to-day, the premiums were not usually paid by cash, but by notes. These notes were discounted at the banks also, and seem to have been considered a very valuable line of paper. They were long time notes, but not as long as the time of the voyage, and in order to insure the collection, as well as the stock notes of the stockholders, the power of the bank process was granted directly to some of the insurance companies.<sup>1</sup> In other cases, it was provided that where the bank acted merely as a collector for an insurance company, it could enforce the powers of the bank process with regard to such paper.<sup>2</sup> To such uses was the bank process thus early diverted.

In some cases the profits of the insurance companies began to reach considerable sums, and the money was invested largely in bank stocks. In some cases the insurance companies as corporations seem to have given their corporate notes for stock in banks just as individuals did. Thus the relation between them, which usually first arose because the same men were interested in both kinds of corporations, became an interest of mutual corporate ownership and of profit.

Thus we find the Providence Insurance Company, chartered in 1799,<sup>3</sup> bought stock in the Providence Bank. In 1814 it owned 150 shares and was the largest single stockholder of the bank.<sup>4</sup> The Newport Bank of Newport was incorporated in 1803. By the terms of its charter its president and directors were authorized to organize the Rhode Island Insurance Company, and the latter was to subscribe for one thousand shares of the bank's stock. As the par value of the bank stock was \$60, and the amount of it was \$120,000, this subscription amounted to one-half of the total issue of bank stock. The Washington Insurance Company of Providence was chartered in 1800. It seems to have been a competitive institution to the Providence Insurance Company and to have been managed by a coterie not altogether friendly to the Browns. Thus far the Providence Bank had had the local field alone. Now, in connection with the Washington Insurance Company, a project for a new bank, the Exchange, was brought forward. Brown offered to let the Washington Insurance Company into the Providence Bank on the same terms that the Providence Insurance Company had subscribed, and its promoters were offered the privileges

<sup>1</sup>Warren Insurance Company. Acts and Resolves, Feb., 1802.

<sup>2</sup>Charter of Newport Bank, Oct., 1803.

<sup>3</sup>The charter of the North American Insurance Company of Philadelphia in 1798 was the first charter in the United States.

<sup>4</sup>It is interesting to note in connection with the Providence Insurance Company, of which the Browns were the leading spirits, that soon after its organization it was voted to take no risks on vessels directly or indirectly engaged in the slave trade.

of the existing bank. These offers were refused, and the opposition to the new bank was then vigorously maintained in public by the friends of the old bank. Brown wrote to his brother that he feared the evil results of such a multiplex grant of bank charters. He thought "that all the neighboring states will at once put a prohibition, by general consent or otherwise, against any and all bank paper of our state". A reduction of circulation would follow, and small dividends would result. "Thus", said he, "reduced to small business, there may be found among some of the managers such frauds and inaccuracies as to stamp a curse on the whole banks of the state". His brother, Moses, wrote an argument to show that one bank could safely circulate "as much or more bank paper" than two. This argument John approved, but with regard to the personal feeling, which seems to have been engendered by the incident, he said, "though we ought to be careful to give no just offence in threatening to call in all our moneys due from the gentlemen who promote the new bank, it will of course take place". He had made an agreement with Judge Bourn, the promoter of the Bristol Bank the year before, that it should join forces with the Providence and the other existing banks against any new bank corporations. The arrangement did not avail, however, and the opposition failed to hinder the issue of a charter to the Exchange Bank in February, 1801. Perhaps as the Browns and their friends were federalists, the republican tone of the state government at the time was not favorable to them.

The charter of the Exchange Bank provided for 4,000 shares par value of \$50 each, and the Washington Insurance Company was authorized to subscribe for 1,100 shares. The Bristol Insurance Company was organized in February, 1800; the Bristol Bank, in June of the same year. There was a Warren Insurance Company and a Warren Bank. Within the period 1799-1807 ten insurance companies were organized in the four seaport towns of the state and nine of them engaged in active business. In the same towns there were nine banks and the insurance companies, so far as observed, owned stock in most of them. A similar relation between the Merchants Insurance Company and the Bank of Commerce, both of Providence, illustrated these facts as late as 1851. It is significant that the first restrictive law as to corporations, passed in 1809, was called a law regarding the "process against banks and insurance companies."

In the organization of the Roger Williams Bank, chartered in 1803, politics seemed to have had some part. Previous to that time the United States deposits had been carried in the Providence Bank. In 1803 Jefferson wrote to Secretary Gallatin, "as to the patronage of the republican bank in Providence, I am decidedly in favor of making all the banks republican by sharing deposits amongst them in proportion



to the dispositions they show''.<sup>1</sup> The Roger Williams Bank soon began to get the public deposits and continued to hold them until the second United States Bank established a branch in Providence in 1817. The Bristol Bank carried the government deposits in Bristol; the Newport Bank in Newport. These three were the only banks in Rhode Island which purchased United States bonds during the war of 1812. Their political affiliations were thus apparent.

The charters granted to the banks beginning in 1800 contain slight but important modifications when compared with the charter of the Providence Bank, such modifications applying chiefly to the terms of payment for the stock. Not infrequently in the case of country banks the requirement that the stock be partly or in whole paid for in specie was omitted. The number of installments upon which payment might be deferred by the directors was increased; in some cases three out of seven were thus deferred. The payments for the stock of the Exchange Bank of Providence extended from February, 1801, to October, 1802, but by an amendment, adopted in October, 1801, the directors were permitted to extend the payment of any or all subsequent installments. The installments of the Farmer's Exchange Bank of Glocester were seven in number. A cash deposit of \$1 per share was required with the subscription, and the remaining payments were extended over three years from February, 1804, to March, 1807.

Other modifications in the charters affected the powers of stockholders and directors. No shareholder in the Newport Bank (chartered 1803) could transfer his stock while indebted to the bank, and if a stockholder's obligation was not paid at maturity, the directors were authorized to summarily dispose of enough of his stock to cover the bank's claim. Not long afterward it became customary to insert a clause in all charters pledging stockholder's stock for their debts to the bank. The Rhode Island Union (chartered in 1804) was the first bank in which the voting power of the stockholders was equivalent to the number of shares held, and though in most previous charters it had been provided that stockholders' meetings could be held only annually, unless called at other times by the directors, in the Rhode Island Union such meetings must be called on the request of the holders of 300 shares. In the Narragansett Bank of Wickford, chartered 1805, holders of 200 shares had the power to order a stockholders' meeting. The Smithfield Union Bank charter, 1805, provided that directors must own at least five shares, while in the Rhode Island Central Bank of East Greenwich, directors were required to hold twenty shares. The directors of the Bristol Commercial Bank (chartered 1809), and others chartered at about the same time, could not hold directorships in other banks.

<sup>1</sup>Gallatin's Works i, 129, July 12, 1803.

These restrictive provisions in the charters tell the story of practices then beginning to be prevalent. It did not follow, however, that because charters contained certain clauses, those clauses were generally obeyed. In banking, as in other lines of business, in the absence of rigid state supervision honesty of management and success as well depend wholly upon the character of the managers. The most unique illustration of the limits to which bank frauds could be carried was that of the Farmer's Exchange Bank of Gloucester.

The origin of these frauds was not wholly local. The profits of banking during the first few years of the century caused the issue of a large crop of charters, especially in Massachusetts, Maine and New Hampshire, between 1800 and 1810. The notes of these banks flowed into Boston as to a clearing house. They quickly fell below par and displaced the issues of the Boston banks in all local transactions between individuals. Money brokers began to deal in them, charging one-fourth per cent. for exchanges. In 1804 the Boston Exchange Office was incorporated and devoted its attention to the business of exchanging money. About the same time the brokers began to send the excessive issues of the country banks home to be redeemed. The less accessible the home bank, the more costly was the process of redemption to the brokers. Hence speculators began to charter banks in the most remote and out-of-the-way places of Maine and New Hampshire. The chief of these swindlers was Andrew Dexter, Jr. He bought up the stock of the Boston Exchange Office and of several cross-road banks. Among them was the Farmer's Exchange Bank of Rhode Island. This was in 1808. In March, 1809, "the funeral of the Farmer's Exchange Bank" was "on its way to the general assembly in East Greenwich".<sup>1</sup>

A committee of investigation had been appointed in February and a report was rendered at the March session of the assembly. The legislative halls were crowded with spectators who listened to a story that surpassed their strangest dreams. The committee stated that from the day of the issue of the charter the directors as a whole had no proper knowledge of the affairs of the bank. Some of the stockholders had no notice of the suspension of payment of the last installment for their stock, and thus paid for their holdings in full in cash. The directors paid no money whatever. They paid their first installment in specie, but soon afterward took an equal amount of notes, for which they gave no receipt. For part of the first five installments they gave personal notes without indorsers, and for the last two installments they gave nothing. They held 103 shares each. Instead of a subscription for 2,000 shares, as required by the charter, the bank started with only 661 shares subscribed. The paid-in capital at the outset was

<sup>1</sup>R. I. American, March, 1809.

\$11,806.61. The installment which the directors withdrew left the bank with an actual cash capital of \$3,081.11. In 1805 the directors voted themselves \$200 each in bills. They took other bills of the bank into the neighboring states and bought corn and other products with them, making no return whatever to the bank. In February, 1808, they voted to divide the whole assets of the bank among themselves, but they did not carry out the plan. In the following month, however, they bought of sundry stockholders 450 shares and paid for them with the assets of the bank, largely by means of notes of the stockholders themselves, which had been given to the bank for money borrowed and were at this time returned to them. The institution was then ripe for Mr. Dexter. During the year the directors sold out to him or to his agents and themselves received pay from the remaining assets of the bank. The amount of their purchase money was \$1,300 each. Dexter paid for the whole bank \$3,784.95. The directors had already by vote turned over to him the plates on which the bills of the bank were printed. He had bills printed and sent to the cashier, who was ordered to sign them at night and return them secretly and as rapidly as possible. The cashier obeyed this order. Dexter had at the same time a bank in Berkshire. The bills of the Farmer's Exchange Bank were paid out over the counters of the Berkshire bank, and those of the Berkshire Bank over the counters of the Farmer's Exchange Bank. As the bills of both banks were redeemable in specie, both banks were thus "specie paying". Dexter had banks all over the country, and among the bills paid out by the Farmer's Exchange Bank were some of the Marietta Bank of Ohio. He borrowed from the bank at various times, in some instances giving notes payable in eight years and in others giving notes of which the following is a copy: "I, Andrew Dexter, Jr., do promise the president, directors and company of the Farmer's Exchange Bank to pay them — — — dollars, two years from date with interest at 2 per cent. per annum, it being, however, understood that said Dexter shall not be called upon to make payment until he thinks proper, he being the principal stockholder and best knowing when it will be proper to pay the same". Dexter borrowed in all \$845,771. The bank, largely through him, had issued \$644,843 of currency, of which about \$580,000 were still outstanding when the committee made its report. The total assets of the bank consisted of \$86.48 in specie. The general assembly had attended the funeral, but there was not even a corpse left to bury. "Such a scene of dishonesty, dissimulation, turpitude and everything that is iniquitous", said the American, "was never, we believe, before exhibited to an astonished public".<sup>1</sup> A letter to Mathew Carey from Boston said, "It is impossible for us to picture the ruin and distress that followed,

<sup>1</sup>March 24, 1809.



the effects of which are still remaining. It is said, and we presume correctly, that in one county of this state there were \$100,000 of the bills of the Farmer's Exchange Bank in circulation at the time it failed, and probably in the state (Mass.) there were \$400,000 or \$500,000, all of which, after being bartered at various discounts, became a total loss to the last holder, which in most cases were the poorer and less informed parts of the community. There is no doubt that thousands of farmers will be ruined, and leave their families in poverty, in consequence of the facility with which they obtained money at the banks by mortgaging their estates".<sup>1</sup> The directors escaped from the state and from punishment. The cashier suffered nothing worse than a few months' imprisonment. It was soon afterwards announced that "the bank is shut, probably never to be opened for a similar business. The sign is taken down, and the keys are in the vicinity".<sup>2</sup>

The case of the Farmer's Exchange Bank was exceptional. A few other instances of gross mismanagement will be noted from time to time, but no note holder or depositor of any other Rhode Island bank ever lost a dollar until after the Rebellion, except during the general suspension of specie payments in 1837-38, and in 1857-58. The whole losses in every case fell on the stockholder, and as in most instances such stock had been fraudulently secured and fraudulently paid for, the result was justice rather than injustice. The Rhode Island banks which were managed and controlled by local interests did not adopt to a great extent the plan elsewhere common of issuing large sums of bills and sending them into other distant states for use by their specially appointed agents. The practice so far as it prevailed was almost wholly confined to banks owned by parties outside the state. Outside banks, however, had agents here. The Detroit Bank had an office of discount and deposit in Providence,<sup>3</sup> and when it became bankrupt some of the bills were in local circulation. About \$200,000 of the notes of the Eagle Bank of Connecticut were in circulation in Rhode Island when it failed. Rhode Island suffered not so much from the depreciation of notes issued by local banks as by the notes of banks outside the state. The sellers of lottery tickets became money changers, and the association of the two lines of business had a large degree of fitness.

In 1805 the issue of notes by private parties intended for circulation was forbidden. At the same session at which the report on the Farmer's Exchange Bank was presented the legislature, with that post mortem sagacity which had not infrequently characterized its doings, passed a law defining and regulating the "process against

<sup>1</sup>History of Banking in all the Leading Nations, i, 38.

<sup>2</sup>American, March, 1809.

<sup>3</sup>Gazette, March, 1809.

banks and insurance companies''. Directors were made personally liable for all the debts of the bank after the property of the corporation had been exhausted, and such liability was enforceable by writ of *scire facias*. The amount of debts of a bank on a bond, bill, note or other contract, was limited to the capital stock plus the deposits.<sup>1</sup> Under this provision the circulation could not exceed the amount of the capital stock plus the deposits. No bank was to issue a bill or note for a less sum than \$50, payable out of the state, and no individual was allowed to pass a bill under \$5, issued by a bank outside the state. Returns were required of the banks of their condition on some one of the ten days preceding October 3rd, of each year.

These returns made on a day selected by the banks themselves, and fixed within certain limits for a year in advance, were of course no criterion of the banks' condition, but the system was continued, with some modification of details, until 1836, when returns were to be made on a day set by the bank commissioners.

In October, 1809, thirteen of the banks made their first official report, and although they were on dress parade, some light is thrown on their methods. The full statistics will be found in the table accompanying this chapter. The statement that with \$434,800 bills in circulation, they had in their vaults \$410,800 in specie, \$79,000 of the bills of other banks and \$88,200 deposited in other banks, thus showing cash assets of \$143,000 in excess of their circulation, evidenced the misleading character of the statement at once. It would indicate that banks which were founded on circulation principle and with the avowed purpose of making profits from such issues, had abandoned their chief reason for existence, had in their vaults more circulating medium than they had issued, and were making their dividends solely from the loan of their capital and deposits. Four of the banks had more specie on hand than the amount of their notes issued. The Providence Bank, for instance, with circulation of \$64,800, had \$111,100 specie in its vault, \$82,800 deposits and \$438,400 of discounts. The Washington Bank had \$36,400 bills out and only \$6,600 in specie. It had \$113 of deposits and \$69,000 of discounts. These two banks are typical of the difference between the town and country institutions, and the statement of the latter was probably much more nearly the average condition of the banks with regard to specie and circulation. The proportion of one of specie to six of circulation was not at the time considered excessive. The Rhode Island Union Bank of Newport returned among its liabilities \$630 sent to Philadelphia to be put in circulation. The \$88,200 of deposits in other banks, reported at the same time, coupled with the thought expressed in the law of March

<sup>1</sup>The term debts here being used, as indeed was the case usually until 1850, to apply only to obligations due to the public in the form of deposits, circulation and small amounts sometimes borrowed from other banks or individuals.

prohibiting the issue of notes of small denominations payable elsewhere, would indicate that it was not alone in this practice.

#### SECOND PERIOD—1809-1840.

The year 1809 marks the end of the period when the establishment of banks can be said to have been the result of a desire on part of their incorporators to promote the interests of the community.<sup>1</sup> Bank charters were thereafter liberally granted for personal gain and were tossed back and forth through the two branches of the legislature on the plan of give and take. The second period of banking, lasting from 1809 to 1840, was marked by a gradual increase of supervision by the state, and various restrictive laws as to loans and issues of circulation and, by spasmodic and for brief periods, effective attempts to stop the wholesale issue of charters. Events of national importance had their effect in the local field. The affairs of the United States banks, the war of 1812, the embargo act, the tariff laws, the beginning of the Suffolk system of note redemption—all materially modified the character and extent of local banking.

It has been customary in writing banking history to treat New England as a whole and compare it with the western states, thus emphasizing only points of difference in the amount of circulation and methods of redemption. In such a treatment, however, much of the economic relation of certain important phases of banking in New England has failed to receive due consideration. A more complete separation of the New England states into groups will illustrate statistically fundamental points of difference. For this purpose the three northern states form one group; the three southern states form another group. A comparison of these two groups shows that in the southern tier of states, during the whole of the period from about 1810 to 1865, the circulation function of banking based on the circulation principle had given way to the circulation function based upon the banking principle. This condition manifests itself in the fact that in these states the amount of the capital stock in banks, and not the amount of their circulating notes, was the most distinguishing characteristic. It will be seen from the subjoined statistics that the proportion of their circulating notes to their capital stock was very small, when compared with the three northern states; and should a comparison be made with the western states, the characteristic would even be more marked. It followed, of course, that the function of banking in discounting by means of capital, rather than by means of note issues, was also their distinguishing feature.

The following figures have been selected because of their availability and not for any peculiarity due to a difference in dates. They

<sup>1</sup>Bank charters were inserted in the Digest of General Laws in 1798. In Connecticut they were incorporated in the General Laws as late as 1821.



are typical of the whole period covered. The figures are given in millions and thousands only, 000 being omitted.

	Capital.	Circulation.	Discounts.	Deposits.	Percentage of Circulation to Capital.
Maine .....1820	\$1,600,	\$1,400,	\$	\$	88
New Hampshire.....1831	2,000,	1,100,	2,900,	270,	55
Vermont .....1834	920,	1,460,	1,900,	180,	159
Average.....					88
Massachusetts .....1820	10,600,	2,600,	13,500,	3,200,	25
Rhode Island.....1821	3,200,	675,	3,100,	460,	21
Connecticut .....1834	6,800,	2,400,	8,300,	1,200,	35
Average.....					32
1855.					
Maine .....1855	7,300,	5,100,	12,700,	2,500,	70
New Hampshire.....1855	4,400,	3,600,	8,000,	950,	82
Vermont .....1855	3,600,	3,700,	6,700,	800,	103
Average.....					80
Massachusetts .....1855	58,600,	23,100,	99,500,	21,900,	39
Rhode Island.....1855	18,700,	5,400,	26,400,	2,900,	29
Connecticut .....1855	17,100,	6,800,	23,700,	3,400,	40
Average.....					37

The facts here shown with regard to the three southern New England States are more particularly true of Rhode Island than the other two states, its percentage of circulation to capital having been four per cent. less than that of Massachusetts in 1821 and ten per cent. less in 1855. To the extent of its superiority in these respects is it true that Rhode Island banking was based more on real capital than any other state in the Union. The facts are the more remarkable, because the restrictive laws relating to circulation, while different in point of time of enactment in the New England states, were very similar in their provision; because the Suffolk system of redemptions prevailed throughout all alike, and because precisely the same methods of paying for capital stock by means of stock notes were adopted everywhere. It is further true as regard the laws limiting the amount of a bank's indebtedness and its circulation, that they had little effect, because in none of these six states were the limits set by statute approached by the banks (except of course in a few cases of noteworthy mismanagement). From this fact we may also conclude that here the development of banking was to a large degree a normal adaptation of banks to the business needs of their respective communities. And finally, if we accept the fact that inflation was the most common characteristic of all banking at this time, it remains to be explained why the inflation

of Rhode Island and its two neighboring states to a nearly equal degree, expressed itself in the form of capital stock rather than in the form of note issues. This explanation will be found in local economic conditions, of which banking was but a part, and partly in the methods adopted among the banks themselves for restricting currency issues. We shall treat of the latter topic first.

In 1809, when the western state banks were suspending specie payments, the "bank thermometer" of Rhode Island announced that the bills of all state banks were redeemable in specie except the Smithfield Union, which paid with checks at thirty days' sight on Boston, "with interest in advance". The circulation of the banks was not large in comparison with other states and when, owing to the expiration of its charter in 1811, the bills of the first United States Bank were withdrawn, local circulation was issued to take its place.<sup>1</sup> The issues increased from \$460,000 in 1811 to \$770,000 in 1813. Circulation was increased in other states in even greater proportion. There was a great redundancy of bills in Boston. They depreciated from one per cent. to five per cent. The Boston money changers reaped a harvest. The exchanges of bills reached \$100,000 a day, and the annual cost to note holders was estimated at \$120,000 in that city alone. The condition paved the way for the action of the New England Bank of Boston, which advertised to receive bills at a discount equal to the cost of sending them home for redemption. The Rhode Island banks were accessible, and under the influence of the redemption system, their issue decreased from \$770,000 to \$549,000 in one year. Thus, when in consequence of excessive issues, all the banks outside of New England suspended in August, 1814, the local banks had already reduced their circulation to such a point that not only was there no thought of suspension, but the circulation was increased \$30,000, and this, although at the same time the specie holdings of the banks had decreased \$80,000. The New England Bank system, which had reduced rates of discount on bills to about one per cent. from 1814 to 1818, was the cause of the inauguration of the Suffolk Bank System of redemptions in 1819. The Suffolk Bank offered to redeem the bills of any bank, charging therefor the same price which it paid, provided the bank would keep a permanent deposit of \$5,000 with it. The deposit of \$5,000 was not required of the banks of Providence and Newport, which already had accounts with the Suffolk, provided they would keep all their deposits with it and have money enough to redeem their bills at all times. The Merchants Bank of Providence became the satellite of the Suffolk and handled its Rhode Island business. It made arrangements with most of the state banks to redeem for them

<sup>1</sup>It was estimated that \$24,000,000 of the \$50,000,000 circulation in the country was of the United States bank notes.

the bills of all other banks except those located in the same town. For this purpose it issued much of its circulation in the form of large bills from \$100 to \$1,000 and had an understanding, though not an agreement, with its associated banks that such bills, when received by the latter in course of their business, would be retained by them and would not be presented for redemption in specie, but only in payment for their own notes, which the Merchants had received from out of town banks for redemption. The Suffolk Bank soon improved upon its original system and agreed to receive at par from its allied banks all the bills of other banks in good standing, modifying at the same time the \$5,000 deposit to suit the condition of each bank. The system was received with bitter denunciation by many of the country banks, as it compelled them to keep a larger specie reserve and at the same time reduced their circulation and the profits from it. The association of banks was derided as the "Holy Alliance". Some Rhode Island banks refused to join. They were the Cranston, Kent, Village, and the Fall River Union Banks. As the first three of these banks had, in 1819, a combined capital of \$46,600, a circulation of \$50,800, the reason for their opposition and that of many like them in other states was manifest. A few of the banks had been not only making high profits out of excessive issues of circulation, but they had also reaped large gains by buying their own bills, through their agents, at a discount. Their most serious grievance, therefore, was that their paper was raised to par by the redemption system, and they were deprived of their profits on its depreciation.

The sub-system established by the Merchants Bank simplified the redemption of all bank bills by Rhode Island banks, but it had other additional merits over the Suffolk system. It covered a compact and easily accessible territory. Its refusal to receive from any bank the bills of other banks in the same town, left to each bank the care for its own circulation by frequent redemptions of the bills of its immediate local competitors, while it cared for the redemptions of the banks by groups in each town. Like the earliest government in Rhode Island, it provided for complete local autonomy of the banks while it managed their intertown relations. This development of the system was peculiar to Rhode Island. Within state limits it facilitated and accelerated redemptions to a degree nowhere else possible. Toward the close of the era of state banks, when nearly one hundred banks were issuing circulation varying from \$3,500,000 to \$5,300,000, the average local life of a bill did not exceed a fortnight.<sup>1</sup> The rapidity of circulation and redemption rendered great inflation impossible. An ardent admirer of the Boston plan says that, starting almost without outside support,

<sup>1</sup>The author is indebted for this fact, as well as for many others of the greatest value relating to local banking, to George C. Noyes, Esq., for many years associated with the Globe Bank of Providence.



"assisted by no law, progressing tentatively as each necessity prompted the invention of new means to meet it", the Suffolk Bank evolved a system, "under which, to an extent never approached in its efficiency by any plan elsewhere created by law, the bank note currency of New England was made elastic, safe and ideally convenient and inexpensive in use".<sup>1</sup> While such a statement may not be received without some limitations, it is nevertheless true that the system received its most perfect exemplification in Rhode Island. The bank process had been invented by the projectors of the Providence Bank to compel improvident individuals to be honest with the bank. The Suffolk system compelled the banks to be honest with each other.

The successful operation of the system in the southern New England states as compared with their northern states was largely due to concentration of the banking institutions in localities reached by easy means of communication, and the very contrast between it and the northern sections in the amount of circulation which they kept out in proportion to their capital, though all were subject to the same general system, would indicate that without important modifications the Suffolk plan could not have been projected upon the whole United States. But within its sphere, however, it was an efficient mechanism, and because of it as a purely self-centered expedient and not because of restrictive laws, it was almost impossible for the banks of southern New England to keep in circulation excessive issues of bills, and therefore from causes operating within the banks themselves, the issue of currency on the circulation principle was impracticable. With a few such exceptions as have been noted of country banks, and they were not types of any importance, the banks of Rhode Island never issued circulation exceeding one-third and on the average not to exceed one-fifth of their nominal capital stock. Recalling the large profits of the business by means of which real capital was quickly accumulated, it is probable that at no time did the note issues exceed one-half the actual capital stock and at no time approached a condition where it could be said to have been issued on the simple credit of the issuer. In fact, the theory that the amount of circulation safely issuable is governed by the demand of the community, regardless of the assets of the issuer, though avowed by the community in 1791, was never put in practice by John Brown or any of his successors in legitimate banking in the state.

While, therefore, the value of the Suffolk system as a check to swindlers may be acknowledged, the real reason for the small issues of circulation in Rhode Island and the large issues of capital stock must be found in the character of the business which the banks performed. It has been noted that long time loans on land or accommodation loans

<sup>1</sup>Whitney. The Suffolk Bank.

are incompatible with the issue of circulation. It has also been observed that the commercial enterprises of the merchants and the long periods occupied by their sea ventures made their notes very similar to accommodation paper and that much of the paper discounted during the first fifteen years of chartered banking was of that nature. The men, therefore, who projected these banks had much more to gain by securing a large line of permanent or renewable discounts than by the issue of large amounts of bills, the redemption of which at any time might necessitate the paying of their loans. The actual payment by specie and bonds for the stock of the Providence Bank and others at first formed gave the directors the real capital with which to make such loans.

The embargo of 1807, the war of 1812, and the tariff act of 1816 laid the foundation of New England manufactures, and they succeeded to the commerce which had been ruined by the embargo. While the consumption of cotton was 10,000 bales in 1810, it was 90,000 bales in 1815. In 1816 the value of cotton goods manufactured within a circle of thirty miles surrounding Providence was \$3,500,000; about one-fourth of the total consumption of cotton, or 25,000 bales, found a market here. New England, and especially Rhode Island, was manufacturing for the whole country. Specie flowed here and the west was drained. In New York exchange on Boston was uniformly at a premium. In 1813 it was one-half per cent., and by January, 1815, it had reached 23 per cent. It fell in 1816 to one and one-half per cent.<sup>1</sup> When the Southern Bank of Baltimore, followed by the banks of Philadelphia and New York, suspended in 1814, they were debtors to the manufacturers of Providence and the territory immediately surrounding it to the extent of \$1,000,000. Owing to the depreciation of their bills and their refusal to pay interest on their obligations, on which payment was deferred, the manufacturers of New England were compelled to accept a loss of from 10 per cent. to 15 per cent. on the moneys due them,<sup>2</sup> and although for the time being the loss hampered local industry, the enormous profits of from \$1 to \$8 a yard on woolen goods and almost proportional profits on cotton soon recouped the losses.

For a community thus industrially situated fictitious circulation had no advantage. Real capital was necessary, and though it was rapidly being created, the manufacturers took advantage of every opportunity to borrow in other markets. The banks in southern Massachusetts and eastern Connecticut were heavy loaners to Providence merchants. When in 1816 the project of a United States bank was again broached as a regulator of the currency, and the circulation banks throughout

<sup>1</sup>United States Treasury Report, 1818.

<sup>2</sup>R. I. Hist. Society Mss. "Banks."

the country were opposing it, Providence manufacturers and bankers requested that a branch might be established here.<sup>1</sup> The first signatures to the request were those of the Browns and their associates. A branch was desired for the facilities which it would offer for discount. It was established in 1817 and Phillip Allen, then closely associated with the interests of the Browns, was selected as its president. In September, 1819, it had local discounts amounting to \$374,000, but



OFFICE OF THE SECOND UNITED STATES BANK

The Providence branch of the Second United States Bank was in this building, at number 23 and subsequently at number 25 South Main St. This was the favorite business street and in 1840 the American, the Globe, the Blackstone Canal and the Mechanics Banks were located in this and the adjoining building.

although it had in its vaults \$225,000 of its own notes, the amount of them which it had succeeded in getting into circulation was only \$38,300.<sup>2</sup>

The length of time required for these loans is scarcely now comprehensible. This process is thus quaintly but clearly described by an active participator in it. The "merchandise being sold on credit of

<sup>1</sup>Moses Brown Papers, Oct., 1816.

<sup>2</sup>United States Treasury Report, 1819.



from four to six months, chiefly the latter, the notes which the consignees receive for it, when sold, must be discounted at the banks to meet the drafts of the shippers, payable at sight, or at very short dates. And these notes again, such of them as are given for the raw materials for manufacturers, when they fall due, are taken up by further discounts of the drafts of the manufacturers on their distant agents, payable some months still later than the notes were. It is this great length of time between the advances made by the banks, for which specie is required in all periods of pressure, and the return of the money to them, that limits the aid they can afford in the transaction of business to less than one-half of what they might give if the notes and drafts discounted by them were payable in sixty days''<sup>1</sup> The nature and character of its industry was such that Rhode Island like a sponge sucked up available banking capital from everywhere, and such were the rates of discount, reaching in times of stress as high as 24 per cent. and 36 per cent. and normally averaging 12 per cent., which the manufacturers could afford to pay, that the profits on banking soon turned stock notes into real capital. Just as the banks were the necessary adjuncts of the insurance companies in the earlier years, so they were from this time forward necessary attendants of the growing manufacturing industries of the state. If the large profits then received, the nature of the exchanges and discounts and the character of the local industrial organization are considered, it will be seen that, though nominal banking capital seemed to savor of inflation, banking in fact did not absorb more than its due proportion of the increase in real capital. In the absence of any deposit banking, in the present use of the term, and because of the unfitness of circulation banking, banking on capital stock was the only means by which industry could secure its necessary discount accommodation. On the other hand the very prosperity of that industry kept the balance of trade in favor of New England and drew to Rhode Island banks, until 1850, an abundant stock of coin, which at no time fell below 40 per cent. of their circulation, and was usually much above that proportion.<sup>2</sup>

<sup>1</sup>Report on Banking Capital, 1826.

<sup>2</sup>It has been assumed that a large amount of capital from outside the state was invested in bank stock in Rhode Island because of its peculiarly liberal banking laws. There are now few available evidences of such investments. In so far as the practice is known to have prevailed it was almost wholly confined to a few of the "circulation" banks of the country towns, the control of which was sought for fraudulent purposes. The stock of the commercial and profitable banks was jealously guarded, for the obvious reason stated in the text; that they were the fiscal agents of the industrial corporations and were largely owned by the men whose enterprises they aided. The capital of Rhode Island banks, at least until 1850, was created by their earnings.

Nevertheless the liberality of Rhode Island banking laws was notorious. Connecticut bank charters were always subject to amendment or revocation; they usually contained clauses reserving to the state and charitable institutions the right to subscribe to bank stocks. The state distributed among its

The success of the banks led to their rapid increase from thirteen in 1809, with a capital of \$1,535,000 and discounts of \$2,000,000, to forty-four in 1826, with a capital of \$5,570,800 and discounts of \$6,217,800. So many charters were applied for in the latter year and the attendant circumstances were so suspicious that a committee was appointed to report on the question of the increase of banking capital in the state. A brief account of the laws and charter provisions to 1826 will aid in understanding their report.

The charter of the Union Bank, dated 1814, was the first to increase the stockholders' liability beyond the amount of his investment. By its terms stockholders were personally liable if the directors violated the bank process act of 1809. At the February session of the legislature in 1818 the bank process act was amended in several particulars, but while the committee was considering the nature of the changes necessary, charters for ten banks were granted, each containing the original form of the bank process power against its debtors. Two of the banks, the Merchants and Eagle, were to be located in Providence, but most of this batch of charters were granted to country towns and to incorporators who had no other purpose in view than to dispose of them for a good price, because they conveyed valuable privileges. At the October session of the same year two charters were issued whose history illustrates this fact. The New England Pacific Bank of Smithfield was not legally organized, and in 1820, some years after irregularities of its incorporators had voided the charter, it was sold to innocent parties outside the state. The sum paid for it was said to be \$1,000. The legislature passed amendments to its charter in 1826, and the bank as the Pacific had a subsequent honorable career. The Burrillville Bank was chartered at the same time. New York parties, in collusion with one of its directors, attempted and nearly succeeded in getting control of it for "circulation" purposes, but the scheme was

banks a large portion of its receipts from the United States in payment of its revolutionary debts, and thus also acquired direct interest in its banks, and they were subject to rigid inspection in consequence in 1803. It taxed them on their capital and charged a large bonus on incorporation. Massachusetts also began a system of strict state supervision in 1803. Its banks were prohibited from engaging in commerce and trade. The charters reserved to the state the right to tax them and to increase their taxes. These taxes early (viz.: 1814) were one-half per cent. on the capital stock and a large bonus. Their circulation was limited at about the same time to 50 per cent. of their capital, and a little later the loans to directors were limited to 30 per cent. of the capital, while in 1809 a penalty of two per cent. was imposed on banks for failure to redeem bills on demand in specie. The charters were always terminable usually in twenty or thirty years. The charters of Rhode Island were perpetual. Until 1837 circulation could equal the capital. Taxes of one-twentieth per cent., first imposed in 1822, were increased to one-fourth per cent. in 1836 and one-third per cent. in 1855, but did not at any time exceed that sum. The Rhode Island banks had the bank process power, but a very similar power was enjoyed by the Vermont banks under a law of 1809.

discovered and stopped in 1827. It was a typical country bank, showing in 1826 capital \$31,400, circulation \$27,800.

The amendments of 1818 to the bank process of 1809 affected mainly the debtors of banks. The power of summary judgment and execution, which had been granted to all banks by the terms of their charters, was repealed and the collection of the debts due them was confined to the regular legal processes, with the exception that while in the ordinary procedure a creditor had recourse first to the person of debtor, then to his personal estate, and lastly to his real estate, banks were given power to at once attach the property of the debtor. This act had a suggestive history. It was passed at a time when the state was in the midst of an industrial depression, more severe than had been before experienced since the Revolution, and when, therefore, the summary execution of the original bank process power could have caused great injustice. These years were prolific in the discussion and passage of acts for the relief of insolvent debtors. The amendments to the bank process power may therefore have been partly the result of peculiar economic conditions. Moreover by this time there was a general sentiment among the stronger banks that the power was unnecessary and they were not unwilling to dispense with it.

In 1819 the Dartmouth College case was interpreted as endowing a charter of incorporation with the character of contract. The inviolability of this constitutional right became the basis of court decisions relating to banks for many years. The original bank process power was a charter right, and the statute of 1818 repealing it was, therefore, of doubtful legality. This statute contained two clauses relating to this subject. One provided a new form of the bank process, and another repealed all then existing bank process powers. In the revision of the laws in 1822 there was a general act of repeal, and the bank process power, as defined in the law of 1818, was re-enacted, to continue in force until January 1, 1823. It was expressly provided that all charters theretofore granted should remain in full force. The revival of the original bank process power in 1823, therefore, seems to have been a concession to the then prevailing notion of the constitutional rights of contract, rather than the result of any effort to re-introduce this provision into actual practice. No charter subsequent to 1818 contained the original bank process power. In 1826, as we shall see, it was generally regretted that such a power had ever been granted to the banks. In 1836 another law was passed, repealing all special forms of process against the debtors of banks, and the lack of constitutionality of such a statute was tacitly ignored in the universal desire to repeal the obnoxious charter right. We may, therefore, conclude that its continuance in nominal force from 1823 to 1836 was the result of the then strong sentiment in favor of upholding every vestige of constitu-



tional right, just as the ready acquiescence in its repeal in 1836 was made possible by the decadence of that sentiment under the Jacksonian democracy. The practical repeal of the bank process power dates in 1818, when the strong and commercial banks in the large towns, both by their own industrial association and because of the results of the currency inflation throughout the west, had already become convinced that the issue of a large circulation on the credit of the issuer or on assets of a contingent character, was not within the scope of their functions. The power which had been evoked for the purpose of protecting circulation of that character had, therefore, lost its chief reason for existence.

In June, 1820, banks were prohibited from issuing circulation in excess of the paid up capital.

No further legislation of importance relating to banking was enacted until after the report on banking capital in 1826.

The numerous petitions for bank charters during the few years preceding 1826 and culminating in that year—fourteen charters having been granted by Massachusetts, eighteen having been petitioned for and refused in Rhode Island, an increase in the capital of six having been also refused—were believed to be the result of world-wide phenomena. The central fact of these phenomena was a disproportionate conversion of circulating capital into fixed capital. Subsequent to the Napoleonic wars large amounts of capital were attracted to many enterprises in South America and Mexico by the increased production of silver. Within the United States the surplus of dormant and circulating capital, which had ceased to find an outlet in manufacturing enterprises after the depression of 1818-1819, had created a field for itself in fostering large public improvements and speculative projects, an illustration of which in Rhode Island was the Blackstone Canal from Providence to Worcester, begun in 1823, the stock of which was subscribed three times over. To add to these economic facts, owing to an overvaluation of silver as compared with gold, the latter had disappeared from circulation in 1817, and in 1823 the scarcity of money metals led to the act of congress declaring many foreign coins receivable for public lands. The currency of the United States Bank, from which so much had been expected, had not been received with eagerness by the public. Everywhere there were evidences of a change in the form of capital and a consequent relative absence of real money. Indeed, these were the beginnings of the movement which was temporarily checked by restrictive laws relating to banking, and which, fanned into flame by the caprice of Jackson in 1832, culminated in 1837. As usual, the lack of circulating capital and the high rates of discount were mistaken for a lack of banking capital and of circulating money media. The forty-four existing banks of Rhode Island had

authorized capitals amounting to \$10,350,000. The additions to this sum requested May, 1826, by new banks and increases to the capital of old banks would have raised the total authorized capital to \$16,600,000. A committee, of which Benjamin Hazard was chairman, to which the petitions were referred by the legislature, rendered a report in June. The document is the ablest contribution to the theory and practice of banking in the state now extant. It appeared that most of the charters were asked for by those who lived in the agricultural sections of the state, where loans, if made, must be permanent and could not, therefore, be a safe security for circulation. Mr. Hazard's chief objection to the issue of more charters was the fact that the subscriptions for the stock, being paid for wholly by stock notes, would add nothing whatever to the real capital of the state. The extent to which this habit had been carried by this time was remarkable. The charters usually provided that the capital should be "paid in" specie, but while these clauses were followed in the letter they were evaded in spirit. The specie paid in one day, and usually borrowed from some existing bank for the purpose, was withdrawn the next day and the notes of the stockholders substituted. At the payment of each successive installment the process was repeated. Such notes were called stock notes, because by general law and by terms of the charters the stock of a stockholder was liable for his obligations to the bank. Said Mr. Hazard: "The notes given for the stock and the stock pledged for the notes, cancel and annul each other; or rather, they are both nullities from the beginning. If ten individuals were to form themselves into a company for the purpose of getting up a bank with a capital of 50,000 dollars, and each member should give his note, and nothing else, to his company for his share of the stock, it is evident enough that here would not be one cent of real capital; and that if such a company should proceed to loan out its bills on interest, and put them into circulation, it would be guilty of a gross fraud upon the public. But this is precisely the case with banks, so far as their capitals are made up of stock notes. Yet they report the whole, real as well as fictitious, as so much capital 'actually paid in'. Is it not palpable that all the discounts and loans made by a bank, beyond the amount of its real funds kept on hand to answer for the paper it thus issues, are loans of mere paper, not representing any real capital, the bank receiving the indorsed notes of individuals, on interest, for its own notes without interest?" "It is said that the public loses nothing by this gain to a bank, since the paper passes and serves as money. The same might be said if a bank loaned its paper without any capital at all; the same might be said, if oak leaves, instead of paper, were used as a currency. That by far too great a portion of the capitals of the banks already granted consists of nothing better than such notes,

is to be inferred from their reports, by which it appears that nearly a million and a half of dollars is due to them from their stockholders. It is thus that the law pledging their stock for the debts due from stockholders to their banks is grossly abused". A comparison between the Providence Bank, organized on a specie basis when banks were trustees of the community's interests, the Bristol Bank, organized when stock notes were not very common, and the Mount Hope Bank, organized when stock notes were the whole capital, will illustrate the development of this custom. The figures are from the report of 1821 :

	Date of Charter	Capital	—Loans to—		
			Directors	Stockholders	All others
Providence Bank	1791	\$422,000	\$10,300	\$40,400	\$349,300
Bristol Bank....	1800	120,000	57,400	32,700	46,000
Mt. Hope.....	1818	75,000	72,200		9,800

The Bristol banks, thus precariously organized on paper, had an unhappy and inglorious experience when, in 1826, the tax on the "paid up" capital of all banks was increased from 5 to 12 1-2 cents per \$100. Five of them, the Eagle, the Freeman's, the Union, the Commercial and the Bristol, petitioned for relief from taxes on the ground that their capital had been "impaired" by "losses". The first three noted had been chartered in 1817 and 1818. The Eagle, chartered with \$200,000 capital, had commenced business with \$100,000, and in 1826 reduced it to \$50,000.<sup>1</sup>

Another objection to the increase of capital was the political influence which it might wield. "Some of the banks," said Hazard, "already deny and threaten to resist, the authority of the legislature to regulate or tax them. They consider themselves as so many privileged and unaccountable corporations. And if we reflect upon the powers which have been granted to them, the amount of debts due them, the number and description of their debtors, and the influence they derive from that source, and especially, if we consider the numbers interested in those corporations throughout the state, and even in this general assembly—we shall not feel disposed to make light of their pretensions". The effects of such political influences had already been felt in the liberal provisions of the charters and the absence of effective legislative control. Mr. Hazard claimed that the clauses of the laws relating to the issues of circulation and the amount of loans had no real restraining force. A bank could first loan its whole capital; it could issue notes for as much more and loan them; it could further make loans for the amount of its deposits; if discounts were left on deposit

<sup>1</sup>American, June, 1826. Reference to the table at the end of the chapter will show the increase in obligations of directors and stockholders and the amounts loaned on bank stock immediately after a large number of charters had been issued.



it could make loans with them. The fact here criticised may be put more briefly in the statement that the laws provided for no reserves whatever. As to the indiscriminate extension of such powers he said: "The early banks were instituted by capitalists. Since that time those who have sought after banks have generally been those who themselves were in want of capital". "It is probable that out of a multitude of bank managers there will be some unfit for such a trust."

It was reasoned by the advocates of the charters that the granting of them would stimulate business and thus increase capital. Hazard replied, "The doctrine that a definite amount of money is required for the purpose of business applies to the amount in value, not in quantity"; that capital could only increase in natural ways; that the amount of specie in the community was determined by the business of the community in its relation to other communities, and not at all by the banking capital; that to increase the banking capital would simply divide the existing real money (specie) among a greater number of banks, unless the excessive issues of bills made redemptions impossible, reduced the state to a paper standard and drove all real money from its borders.

But the evils which had resulted from the scramble for the flesh pots of fictitious banking fell hardest upon the members of the community who thus apparently had the means of easy borrowing brought to their doorsteps and under the speculative frenzy of the day fell victims to their seeming benefactors. This fact was due both to the inflation theory of banking and to the abuse of the bank process power. It was regretted by all, even by the banks themselves, that the power was ever originated. Its severe pressure upon individuals was the least of its ills. Mr. Hazard, with a leaning toward rhetorical effect rather than conservative statement, thus describes its effects. It drew, said he, "into the banks all the property of insolvent debtors, to the exclusion, nearly, of all individual creditors". It led "banks to extend their loans to many" whose ruin was "the inevitable consequence". Between 1816 and 1826 the debts due to the banks had increased from \$2,500,000 to \$6,970,000. "We cannot tell what portion of the ratable property is owned by stockholders, or members of the banking companies; but we know that nearly all the wealthy men in the State are large stockholders; and if we were to deduct, from the general estimate, their portions of the ratable property in the state, and from the amount of debts due to the banks, such part as is due from stockholders, the result would present us with a frightful account of the situation of those who own the residue of the ratable property and owe the rest of the debts to the banks".

This able argument had only a temporary effect. In 1827 the legislative mill began to grind again, and though the product was only one

charter in that year, by 1837 twenty-two charters had been granted for capital of \$2,625,000, and authority to increase to \$6,850,000. Since 1791 the state had chartered sixty-eight banks with initial capital of \$4,610,000, and authorized capital of \$11,400,000. Six had ceased business, leaving sixty-two, with nominal paid up capital of \$9,837,200.

The excessive capital stock of Rhode Island finds some explanation in the abuses just noted. The truth is that the banks here, as in Massachusetts and elsewhere, had no such an amount of capital permanently paid in as the reports would indicate. The Second Bank of the United States, with an assumed capital of \$35,000,000, was known to have started in business with not over \$5,000,000 in real money. The stock jobbing countenanced by it was universal at the time. Between 1800 and 1860 it is doubtful if more than one-third, and perhaps not one-fifth, of the nominal capital of the banks in Rhode Island was paid for in any other way than by stock notes. Such real working capital as the banks had was composed of deposits and specie and other accumulated earnings. The last item alone, owing to the enormous earnings and small losses, would account for nearly the whole of the existing bank capital at any given period.

During all this period the total amount of specie held by the banks in the state had at no time exceeded \$660,000, and had not averaged above \$350,000. This amount of metallic stock had done duty, if we may credit the reports, in paying the specie installments of bank capital of over \$21,000,000.

The close association of the manufacturing and banking interests subjected banks to severe strains at times, but their limited demand liabilities in the form of circulation and deposits were elements of strength, especially as the deposits were largely made up of discounts, and in so far were a part of the banks' contingent assets. The crisis of 1829 was marked by the failure of some of the state's leading manufacturers; among them were the Wilkinsons of Pawtucket, whose family and business associations with the Slaters had been instrumental in bringing the cotton industry to its then condition of perfection and acknowledged supremacy. The Farmers and Mechanics Bank of Pawtucket was involved in the disaster. An examination of it in October, 1829, showed that, with capital of \$200,000, deposits of \$14,700, and circulation of \$16,900, it had loaned \$326,500. Its total quick assets consisted of \$1,800, deposited in other banks, \$186 of overdrafts, and \$22.03 in cash. In order to make loans to carry its customers it had borrowed \$93,556 from banks, and when its credit was exhausted, had placed in the hands of a third party for negotiation for its benefit \$4,000 cashier's checks. It had furthered the interests of its customers by endorsing and negotiating \$45,000 of their paper. Driven to extremes, its cashier had endorsed \$22,000 of the Wilkin-

sons' paper "under circumstances which, he did not conceive, rendered the bank liable". It thus had liabilities of \$399,400 and assets above noted, plus its loans and discounts; and of these the examiners reported "that nearly every one of its debtors had failed and put their property in the hands of assignees".<sup>1</sup> Enough was saved from the wreck to pay its creditors, except the stockholders, and in 1835 it was reorganized. From its ashes, with its name appropriately changed to the Phenix Bank of Providence, rose an institution which still maintains a prosperous existence.<sup>2</sup>

The banks did not altogether escape the inflation tendencies of the early 30's, as is shown by the rapid increase in their circulation from \$929,500 in 1830 to \$1,864,100 in 1837. Pending the final decision by the supreme court of the United States as to the constitutionality of the issue of circulating notes by banks incorporated by the states, the charter of the Globe Bank, issued in 1833, was the first to contain a specific grant of the power to issue "bills of credit".<sup>3</sup> And although the United States court decided that the note issues of state banks were not bills of credit, local charters continued to class them as such and to confer the power to issue them.

Despite this apparent association of the banks with the inflation movement, the real origin of many of them can be traced to the corporate influences of the times. The Blackstone Canal was not a financial success. In 1831 the Blackstone Canal Bank was chartered and authorized to invest \$150,000 of its funds in the stock of the canal company. The New York and Stonington Railroad was chartered in 1832, and the Globe Bank, despite its hitherto unique clause as to bills of credit, was chartered in the next year, partly as its fiscal agent. Its large issues of circulating notes, which exceeded those of any other bank at the time, reaching, in 1835, \$97,953, are explained by the pay roll needs of that and other corporations.

The business disturbances which arose in connection with Jackson's controversy with the United States Bank were keenly felt in Rhode Island, because the success of its industries was so dependent on extensive credit. In the latter part of 1833 Secretary Taney made an agreement with the Arcade Bank of Providence to receive all the United

<sup>1</sup>Report, Oct., 1829.

<sup>2</sup>It is not a little singular that the Albion Company and the Valley Falls Company, both of which were involved in the failure of the Wilkinsons and of the Farmers and Mechanics Bank in 1829, were, in 1900, under the control of Jonathan and James H. Chace, the former of whom was also president of the Phenix Bank.

<sup>3</sup>The case of *Briscoe vs. Bank of Commonwealth of Kentucky*, first tried in 1832, was decided by Jackson's packed supreme court in January, 1837. The note issues of banks were declared not to be bills of credit within the meaning of the constitution of United States. 11 Peters, 257.



States deposits. It was to accept at par all the notes of neighboring banks which were specie paying, transfer the deposits to any other part of the country on demand and without charge, and "perform all of the services rendered by the United States Bank". Whenever the treasurer requested, or whenever its deposits exceeded 50 per cent. of its paid up capital, without his request, it was to furnish collateral security suitable to him, to cover such excess deposit.<sup>1</sup> This business was profitable, for the accumulating receipts of the government left large balances in the banks. In November, 1836, the Arcade Bank, with \$400,000 capital and only \$32,000 general deposits, had \$269,000 of the United States funds, and the Rhode Island Union Bank of Newport had \$150,000 of like deposits, although its individual deposits were only \$16,000. The banks in Rhode Island did not, as was elsewhere the case, use these deposits as a basis of circulation.

The United States Bank, in October, 1833, had a nominal local capital of \$800,000 and local loans and discounts of \$591,700. When Jackson began to remove the United States deposits from it, the bank began as a counter stroke a sharp contraction of its loans. In January, 1836, they had been reduced to \$2,200, but the Providence Bank had stepped into the breach and bought \$474,000 of them.<sup>2</sup> This interesting period of about two years is rich in protests sent by the leaders in local politics and industry to congress. A memorial from Providence, early in 1834, with 1,143 signatures, recited that "within a short period of four months we have rapidly passed from a state of measurable comfort and security to one of general distress. A panic pervades every portion of the country. Present distrust and a foreboding of the future unnerve and discourage our most enterprising citizens". They complained of a stagnation of business in all forms and a universal decline in value of all descriptions of property.

One month previous money had been abundant at 6 per cent., but increased pressure had driven in the circulation of banks and withdrawn their accustomed deposits, and they had taken from them their means of granting accommodation by discounts of notes and bills of exchange. Hence "the rate of interest has advanced to 9, 12, and 18 per cent. It is now difficult, nay, almost impossible, to negotiate domestic exchange or to obtain money on the best mercantile paper". Providence county men, 3,500 in number, protested against the "experiments" which had been made with the currency. There were also some documents endorsing Jackson. Nearly 8,900 signatures of men

<sup>1</sup>Similar arrangements were subsequently made with the Bristol Bank of Bristol and the Newport Bank of Newport. When by act of June 23, 1836, the deposits in United States depositories were limited to three-fourths of their capital, the Rhode Island Union of Newport was added to the list.

<sup>2</sup>Report, 1836.

condemning the President's action were forwarded to congress, while his supporters mustered fewer than 1,800.<sup>1</sup>

How much of the complaint was real and how much was political may be gleaned by comparing the statements of stringency and contraction, caused by Jackson's attitude, with the facts that in Rhode Island, from October, 1833, to October, 1835, banking capital increased over \$1,300,000, circulation increased \$380,000, deposits increased \$240,000, specie reserves increased \$163,000, and loans increased about \$1,900,000. The local contraction of the United States Bank was more than offset by the local expansion of state banks.

When by the suspension of specie payments in 1837 the banks ceased *de facto* to be United States depositories, the Rhode Island Union paid to the government \$38,586.39—the whole of its public deposits; the Arcade paid \$93,999.58—all but \$10 of its public deposits.<sup>2</sup> In June, 1836, was passed the act by which about \$30,000,000 of the United States surplus was distributed among the states. The portion of Rhode Island was \$386,611, and it was at first loaned to the banks by the state at five per cent. interest. It was distributed among forty-nine of the strongest institutions, seemingly according to the amount of their paid up capital.

The receipt by the state of this money was particularly agreeable, because it was largely the proceeds of sales of public lands. Her representative, David Howell, had argued strongly during the debates on the grant of an impost to the continental congress, that the Revolutionary debts should be paid for by the sales of the western lands. Thus after over fifty years it almost seemed that his claim had been acquiesced in. The state, therefore, in January, 1837, directed its senators to favor expunging the resolution of the United States senate condemning Jackson's action with regard to the public revenues; but the assembly took occasion to say that in so directing its senators it was "desirous of maintaining and reasserting the right to instruct the senators of this state in the senate of the United States".

In 1836, as the result of an investigation into the methods of banking, with special reference to the rates of interest, was passed a remarkable supervisory and restrictive law. The stringent recommendations of the committee of 1826 had failed of passage. Meanwhile, however, in one or two charters some important clauses had been inserted. The charter of the Farmer's and Manufacturer's Bank of 1827, besides providing for a stockholder's liability similar to that of the Union Bank, was by its terms subject to "all general acts applying to banks and to any acts in amendment of or repeal thereof, or in any way affecting the same". The charter of the High Street Bank con-

<sup>1</sup>Executive Docs. U. S. 1833-34.

<sup>2</sup>Executive Documents United States, 1837-1838 *passim*.

tained the same provision. These clauses were the result of a contest over the right of the state to tax the banks, a right which was confirmed to it by the United States Supreme Court.<sup>1</sup> The charter of the West Greenwich Farmers Bank (1833) was the first to provide the unlimited personal liability of stockholders. Nearly all subsequent charters contained this provision, as well as the specific clause subjecting them to such taxes as the state might impose.

The committee of investigation in 1836 then had found itself supported by a strong undercurrent of sentiment unfavorable to banks, because of their resistance to taxes, and a legislature disposed to insist on curtailing their special privileges and immunities. The notion was still current that the chief function of banks was local accommodations. Capital was not then mobile, as it now is, and the practice of the Mt. Vernon Bank of Foster and the Smithfield Lime Rock Bank in loaning a very large portion of their assets to Providence was thought to be an injustice to the respective towns in which they were situated; while the practice of the Newport Exchange Bank in loaning one-half its funds in New York subjected it to severe censure. The legal rate of interest had been fixed at 6 per cent. during the Revolutionary period. It had been openly violated by all since the period of the second war with Great Britain and even before, a practice the prevention of which had been one of the objects of the establishment of the first banks,<sup>2</sup> and now became an object of public thought. Besides the wild speculative tendencies of the period and the desire to get rich easily by borrowing money at low rates on western prairie lands at house lot valuations, the Jacksonian democracy, which had perhaps as little common business sense as any wave of political sentiment that has possessed the country, expressed itself here in an outcry against usury. It is significant that two of the members of the committee on banking in 1836 were S. Y. Atwell and T. W. Dorr, the one a follower in, the other a leader of, the forces against the privileges of capitalism and property in Rhode Island. It was characteristic, both of them and of the period, that they should fail to distinguish between that proper degree of supervision of banking, which would protect the interests of the innocent from fraud, and that supervision which unwarrantably interferes with the conscious and voluntary relations between banks and individuals and in which they alone are affected. With regard to the question of usury, which was the chief subject of the investigation, the committee acknowledged that no word of complaint had been made to them, either by the banks or their customers, nor had they sought any corrective legislation. Indeed, higher rates of interest and exchange had been willingly offered than the banks had

<sup>1</sup>Providence Bank vs. Billings & Pitman, 4 Peters, 515.

<sup>2</sup>The charter of the Providence Bank contained the following: "By discount rendering easy and expeditious the anticipation of funds on legal interest".



charged. The significance of these facts seems to have been entirely unnoticed. As might have been expected, the report in some respects lacked judicial moderation. The commercial banking interest had hitherto been inactive in politics.<sup>1</sup> It possessed about one-sixth of the entire wealth of the state. It soon became an active participant in political doings. Its power will be noted in the less stringent laws which soon were enacted.

The report first indicated the unreliable nature of bank returns which were made on a fixed day in each year. In preparation for their return the banks had annually curtailed their loans, thus causing a forced stringency in the local money market. The official return of October, 1835, and the statement collated by the committee at visits unexpected to the banks, showed as follows:

	Official Return.	At Visitation.
Deposits .....	\$1,472,600	\$1,812,600
Due banks and others .....	179,800	586,700
Circulation .....	1,160,800	1,294,300
<hr/>		
Total demand liabilities .....	\$2,813,200	\$3,693,600
Increase .....		880,400
Specie .....	486,600	197,500
Bank notes .....	319,900	322,200
Due from banks .....	180,100	219,200
<hr/>		
Total quick assets .....	986,600	738,900
Decrease .....	\$ 247,700	
Total difference .....		\$1,128,100

The proportion of quick assets to demand liabilities had declined from over one-third at the time of the official returns to one-fifth at the time of the unexpected visitation.

The devices which had been adopted by the banks to get more than the legal rates of interest had been almost universal, among Providence banks the single exception being the Manufacturers Bank. They sometimes favored their own customers, but usually the rates varied with "the avarice of the lender" and "the necessity of the borrower". The custom had its undoubted origin in the cost of collection of drafts, which, in this manufacturing center, constituted a large portion of the discounts. Rates of exchange on them were normally one-fourth per

<sup>1</sup>It is not clear that they took any part in the contest in 1831 between James Fenner and Lemuel H. Arnold for the governorship. The latter, the candidate of the Jacksonian democracy, was charged by his opponents with intending to abolish the bank tax and impose all taxes on land. To a voting clientage composed of freeholders who had not paid any taxes since 1824 such a proposition was a veritable bombshell. Arnold denied the charge, and a spirited correspondence was indulged in between the rival candidates. Arnold was successful in the election.

cent. on Boston and New York, rising to two per cent. on the west and south. The banks charged from one to two per cent. on four months' acceptances on New York in addition to the rate of interest. The total rate of interest, therefore, varied from nine to twelve per cent.

In discounting notes the most ingenious methods were adopted. Discounting was done in various ways. The borrower sometimes dated his note back thirty days and discount was calculated from the date of the note; at times he would agree to leave the proceeds on deposit for thirty days; sometimes he was paid by a check drawn on some other town and exchange was charged on the check; sometimes he received the proceeds of his discount in current money at par, and when he passed it back over the counter for deposit it was received at one-quarter per cent. to one-half per cent. discount. Perhaps the most common device was to make a note payable at some other bank. It then became a draft and exchange was charged on it. When by the law enacted at this time exchange was declared illegal on notes payable in the same town, a bank in the suburbs was selected and notes were made payable there. The Elmwood Bank of Cranston was used in this way for a decade before the Rebellion. It was the daily custom of the cashier of this bank to come down town and remain in the office of the notary for an hour each afternoon, in order that notes payable at his bank "out of town" could be presented conveniently.

The law passed in June, 1836, provided that no bank should begin business until fifty per cent. of its capital had been actually paid in and such payment certified to by the bank commissioners. Its whole capital must be paid in within one year.

The capital stock of a bank could not be reduced by division without permission of the general assembly; if it became impaired to the extent of one-fourth part, the deficiency must be made good within one year.

Interest above six per cent. was forbidden, and exchange above one-fourth per cent. for New England and New York city, and increasing to two per cent. in places south of South Carolina and west of Ohio, was also prohibited.

No bank could be moved and no branch established.

Violations of any of the above provisions worked forfeiture of the charter, and a violation of the interest laws was also punishable with a fine of \$500 for each offense.

No one could be a director unless he was a citizen and resident of the state.

No bank could be chartered with less than \$50,000 capital and every bank must be incorporated by its actual stockholders. The subscriptions to the stock were to be supervised by the bank commissioners, they giving preference to the residents of the town where the bank was located.

Every director, president and cashier was required to take oath to observe the interest laws under penalty of \$1,000.

The bank process act was repealed and all debts were recoverable by the usual legal methods.

Banks were required to return a detailed account of their condition on request of the bank commissioners, and if they delayed for thirty days their charter was forfeited.

Three commissioners were to be elected by the general assembly, who had power to summon officers under oath, and to visit and examine banks, and in general they were clothed with the "visitatorial power of the general assembly" to ascertain the state and condition of banks. If "in their opinion" any bank had forfeited its charter or was "so managing its concerns that the public are in danger of being defrauded thereby", they could complain to the supreme court, and the latter must forthwith issue citation to the bank officers to show cause why injunction should not issue against them.

In the same year, although the tax on the increase of capital, which had been fixed at two and one-half per cent. in 1831 was reduced to two per cent. and the bonus imposed in 1831 was removed, the annual tax on capital stock was increased from twelve and one-half cents to twenty-five cents per \$100.

Many officers of the banks failed to take the oath required in regard to bank interest, and in October the state treasurer was authorized to enforce the penalty. In January, 1837, directors were prohibited from serving on more than one board, and one-third of the stockholders were authorized to call a stockholders' meeting.

The members of the investigating committee of 1836 were elected bank commissioners and zealously entered upon their duties. They reported to the legislature in January, 1837, the results of their inquiries. It appeared that directors had already begun to evade the law by borrowing money of their banks and loaning it at higher than the lawful rates of interest. The directors of the Merchants Bank were the most conspicuous offenders against the spirit of the law. In discussing the proportion of the loans made to directors and others, they said that it was originally intended that the public should have the benefit of banking institutions. "How much of the blame that belongs to an almost uniform departure from the original design of banks in this respect is justly attributable to those who govern them, and how much to circumstances that the directors cannot well control, it is difficult to decide."

A director could rarely obtain accommodations elsewhere than at his own bank, and must, therefore, depend on it. "If his wants are large, there will be little left for others outside the board". "And so in many instances banks have become to a considerable extent mere



engines to supply the directors with money". At two of the banks visited one-half of the discounts, and at another three-fifths of the discounts, were for the accommodation of the directors and co-partnerships of which they were members.

Such abuses could not be reached by law and nothing was done in regard to them, but from this time we can trace, side by side with the relations of banks to corporations, the development of the bank as a personal machine.

In June of the same year bank officers were required to allow stockholders access to the account books on penalty of \$50 (this did not apply to individual accounts), and at the same time the consent of three directors was required on all discounts.

The commissioners found many unsound institutions. They caught the Scituate Bank in the very act of fraud.<sup>1</sup> They entered a complaint against a number of other banks and had begun legal proceedings against the Rhode Island Central Bank of East Greenwich. But in October, 1837, another bank act was passed. It was partly the result of the zealous activity of the commissioners in performing the duties of espionage which had been imposed upon them.

It provided that discounts should be limited to the amount of capital stock paid in plus the deposits, plus the amounts due from banks bearing interest (*i. e.*, borrowing of other banks and individuals), plus an amount determined by a percentage on their capital stock graduated according to its amount from 80 per cent. for banks having \$50,000 capital to 30 per cent. for banks having over \$400,000 capital.

At the same time the amount of circulation was restricted to certain percentages of the amount of capital as follows:

Capital of	\$50,000		75 per cent. in bills
" over	50,000 and under	\$120,00,	65 " " " "
	120,000 and under	200,000,	40 " " " "
	200,000 and under	300,000,	30 " " " "
	300,000 and under	400,000,	25 " " " "
	400,000 and under	500,000,	20 " " " "

Bill holders were given priority of claim on all the assets of the bank.

The most important clause of the act related to the method of interpretation which the bank commissioners should adopt when deciding

<sup>1</sup>It had reported in October, 1835, capital, \$15,660; due from directors, \$13,100; circulation, \$334; bills of other banks \$425, and specie \$10. The commissioners discovered in 1836 that it had been sold to out-of-state parties who had given stock notes to the bank for \$49,361, while it held stock notes of residents for only \$2,047. Its property had been secretly removed. New plates had been prepared and \$43,000 of bills had been printed, of which \$36,328 were found in the bank. After liquidation the name of the bank was changed to the Hamilton and it maintained a precarious existence until 1851.

as to whether the acts of a bank endangered public interests, and so brought it within the scope of summary injunction. With reference to the clauses as to circulation and discounts, it was provided that no bank conforming to them "should be declared to be conducting its business in such a way that the public was likely to be defrauded thereby".<sup>1</sup>

The commissioners, in May, 1838, explained that they had withdrawn their suit against the R. I. Central Bank as, under the above act, violations of the usury laws were no longer an actionable offense. A point upon which they did not lay stress was that, while in the exercise of their functions, they had included the stockholders among those whose interests they were to serve; the law practically excluded stockholders, the depositors and banks and individuals of whom money had been borrowed.<sup>2</sup>

Whether the activity of Mr. Dorr and the ill-favor with which his opinions soon came to be viewed was the cause or not, he did not long remain a member of the commission, and in the midst of the conservative reaction of 1842, in June, the bank commissioners act was repealed. Semi-annual returns of banks were ordered to be made to the general assembly. In January, 1843, the secretary of state was authorized to designate the day on which returns should be made.

Rhode Island banks suffered but little comparatively speaking during the depression of 1837. When, owing to the fall in the price of cotton, the southern banks suspended specie payments, the manufacturers sustained heavy losses, but their high profits for the few previous years enabled them to tide over the period. With the advice and consent of the bank commissioners, the banks suspended on May 11—the day after the suspension in New York. Steps were at once taken to protect their bill holders. The banks went into the open market and bought gold, so that while on the day of suspension they had only \$268,800 of specie, one month later they had \$350,000. It seems at first to have been their policy not to increase their loans, and during this first month of suspension less than \$10,000 was added to their outstanding lines. In

"Unless a case of direct and intentional fraud should be suspected or unless the bank should have loaned its money to persons suspected of being insolvent to such an amount as to prevent it paying its liabilities in full, or should sell its specie or otherwise dispose of it than for the redemption of its bills at par."

<sup>2</sup>Anent the East Greenwich bank it may be noted that while in April, 1839, it reported capital of \$136,600, profits, \$9,900, and an otherwise sound condition; in October of the same year it was found to have sustained losses destroying its surplus and impairing its capital to the extent of over \$54,000. The assembly allowed it to continue and in 1854 it disappeared entirely.

May the general assembly authorized them to issue post notes, running for one year, to the extent of one-fourth their capital, and it was hoped that this would relieve the demands on them. In June, however, the legislature required them to pay five per cent. on the deposits of their own bills, while the bank commissioners advised that they receive their own bills from each other, paying interest on their debit balances. Their deposits on interest increased from \$320,700 to \$496,200 during the first month and in a few months increased \$300,000 more. In a brief period their obligations to banks also increased \$213,000. They found it impossible to retain their specie, and they adopted a policy of leniency with their debtors. They began to increase both loans and circulation. By October they had added over \$400,000 to their circulation and over \$875,000 to their loans and discounts. At the same time they fell heavily in debt to the Suffolk Bank and sent over \$100,000 in gold to Boston. The tide then turned and within six months they had nearly doubled their specie, had decreased their loans by about \$600,000, and although they had increased their circulation \$330,000, they were in as good a position as other banks to resume. Resumption took place in August, 1838. The rate of interest on their bills deposited with them in excess of \$1,000 by one depositor was reduced to three per cent. by the general assembly in October, 1837, and it thus became possible for them to make profit on such issues. A rapid increase of over fifty per cent. in circulation occurred within the first year following suspension. It is interesting to note that their deposits on interest between May, 1837, and May, 1838, increased \$770,000, almost the same as the amount of increase in circulation, which was \$755,000. The weekly reports, which the commissioners required during the period of suspension, were printed in the public press. In January, 1841, Rhode Island joined other states in a memorial against the sub-treasury system and in favor of the establishment of a national bank.<sup>1</sup>

Two new features in banking marked the early years of this period. One was the beginnings of the accumulation of a surplus account by the banks about 1815, all earnings having been previously paid out in dividends. Another was the establishment of the first savings institution, chartered as the Savings Bank of Newport in June, 1819.

Its object was "to provide a safe and profitable mode of enabling industrious persons of all descriptions to invest such parts of their earnings or property as they can conveniently spare". Deposits as low as \$1 were received, but interest was allowed only on deposits of \$5 and above. Dividends were to be paid semi-annually at the rate of five per cent., but no interest was to be allowed on sums drawn between dividend periods. All surplus earnings were to be divided every three

<sup>1</sup>January session, 1841, pp. 66-67.



years pro rata among all depositors of over one year's standing. Money could be drawn only after a notice of one week or on specified quarterly days in January, April, July and October. No deposits were received from corporate bodies, and none over \$100 from an individual at any one time, excepting seamen's wages. The directors could pay off in whole or in part the deposit of any individual which amounted to \$1,000. The total deposits could not exceed \$200,000.

In October of the same year a charter was granted to the Providence Institution for Savings. It was very similar in its provisions to that of the Newport Bank, but the earnings were to be divided semi-annually at a rate to be determined by its directors. Its limit of deposits was \$300,000. The restrictions as to the amount of deposits have been removed, and in 1879, pending resumption, savings banks were allowed to require ninety days notice for the withdrawal of deposits. The statistical tables at the end of the chapter indicate the importance and number of savings banks.

#### THIRD PERIOD—1840-1865.

The period 1840-1865 contained no new phases of banking. There was a continuation and development of previous methods. Between June, 1836, and May, 1850, only two banks were incorporated and the charter of one of them was repealed before it went into operation.<sup>1</sup> Meanwhile both the amount of capital and the amount of circulation increased somewhat, while the loans and discounts increased in about the same degree. The noteworthy feature was the constantly decreasing amounts of specie held in proportion to the circulation, showing that with the increasing banking capital the real assets of the banks, together with a better understanding of credits, specie had ceased to play an important part as a basis of circulation and had become merely a reserve for it or rather a part of it. The amount loaned on stock notes as well as overdue paper will be seen in the tables as far as they were reported.

The new form of report required in 1843 set forth the largest amount due from any one borrower. The Providence Bank led in the list with \$72,175 loaned to one person. The Washington Bank, which had been started in the interests of the farmers, had loaned \$25,226 to one individual. The repeal of the bank commission act left banks to organize themselves. The charter of the People's Bank (1846), therefore, provided that the stockholders should not be allowed to dispose of their stock until the whole amount of it had been paid in. In 1849 bank returns were required only annually, and though the

<sup>1</sup>The North Kingston Exchange. It was discovered that the bank with only \$50,000 capital, and that not paid in, had already to issue \$42,200 bills and the cashier had signed \$26,800 more, making \$69,000 in all.

amount of bills under \$5 was to be reported, many failed to comply with the provision.

In the year 1850 there was renewed activity in bank charters, and by the end of 1856 forty-seven had been granted by the legislature. Four of them did not become operative. The capitals of these banks varied from \$50,000 to \$500,000. The charter of the Bank of Commerce (1851) was the first to set its maximum capital at \$1,000,000. Seventeen of them, with capital of \$3,050,000, were to be located in Providence.

The period was everywhere one of marked industrial development, but in Rhode Island its particular feature was an extraordinary corporate activity. The population of the state increased over seventy per cent. between 1840 and 1860, and much of the increase consisted of a foreign element, unaccustomed to our institutions and to banking. Most of such got their livelihood in the factories, and large amounts of circulation were issued for the pay roll purposes. In 1854 of the circulation of \$5,000,000, about \$1,500,000 was of denominations under \$5. Very few of the banks speculated in note issues by sending notes out of the state. The worst offenders in this way were the Arcade, the Bank of the Republic, and the Mt. Vernon of Providence, the Commercial of East Greenwich, and the Farmers of Wickford. But while the increased circulation herein found its partial explanation, the discounts, which increased from \$14,300,000 in 1850 to \$28,700,000 in 1856, illustrated the local corporate needs. The relation of the banks and the newly forming corporations was in some respects even more marked than at any other period. A limited co-partnership act had been passed in 1837, and the first general corporation act of the state bears date of 1847. Seventeen insurance companies secured charters within a decade immediately following the corporation act. From this time date the Hartford, Providence and Fishkill Railroad Company, the Providence and Worcester Railroad Company, the Providence, Warren and Bristol Railroad Company, and the Providence and Springfield Railroad Railway Company (first incorporated as Woonasquatucket Railroad Co.). In manufacturing, steam power was supplanting water and the mills all over the state were enlarging. Many of them were changing from private companies to corporations.

Many of the banks were organized for the distinct purpose of taking over corporate obligations. Some banks themselves became stockholders or incorporators of other corporations. The Blackstone Canal, the American and the Phenix banks were among the corporators of the What Cheer Company. The association of the Merchants Insurance Company and the Bank of Commerce has already been noted. The Spragues, the Knights, the Smiths, the largest manufacturers of the state, had controlling interests in a number of the banks. Such a

movement had its excesses, and these were exemplified in the charter of the Atlantic and Mediterranean Banking and Navigation Company of Block Island, with capital of \$2,000,000. It was to engage in banking, build and own ships and undertake a world-wide commerce. It did not get beyond the stage of incorporation.

The movement was also attended with numerous banking laws. The first bank chartered in 1850, that of the State Bank, provided for organization by three commissioners appointed by the governor. The stock was to be apportioned "as near as may be to the amount subscribed by each person who shall in their opinion have the ability and disposition to make a bona fide investment". Most subsequent charters had a like provision. In June, 1853, the issue of fractional bills was prohibited. Beginning in 1854 acts of incorporation were held for consideration until the session following their presentation. Meanwhile in 1849 the tax on banks had been increased from twenty-five to thirty cents per \$100 of capital stock, and reserved profits. In 1855 the rate was raised to thirty-three cents.

The first act of the January session of the legislature in 1857 revived the bank commissioners act of 1836 with slight modifications. Like its prototype, the new act left the whole question of safe banking to the discretion of the commissioners. On the request of three officers, stockholders or creditors, making a statement under oath of their interest, they were to examine a bank.

By an act of February, 1858, the reports of banks were to be made to the state auditor and the law still maintains. The bank commissioners in January, 1858, reported that they had enjoined the Tiverton Bank, the Fall River Bank, the Farmers Bank of Wickford, the Bank of South County of Wakefield, the Hopkinton Bank of Westerly, and the R. I. Central Bank of East Greenwich. The first two had gotten into the hands of outside owners, the capital was made of bogus notes and other securities equally unsatisfactory. The Farmers Bank had bills in circulation much in excess of their recorded amount and the bills of both banks seemed likely to be a total loss. The banks of South County and Hopkinton, in an endeavor to make large dividends, had speculated in weak western land securities, and were then totally unable to redeem their largely inflated circulation, though the commissioners hoped to do so in the course of time. The aggregate capital of these banks was \$886,311.86, their circulation was \$553,500, their specie holdings were \$9,150.

These conditions were partly due to the suspension of specie payments by most of the banks of Rhode Island on September 28, 1857. The banks already weak added heavily to their circulation. The Hopkinton Bank, with a capital of \$50,000, had issued \$49,223 in bills, the R. I. Central, with \$496,000 capital, had \$386,700 outstanding, and



specie of only \$7.86. The banks of Providence, thirty-nine in number, had capital \$14,489,000, circulation \$2,595,900, and specie \$211,500. The country banks, fifty-nine in number, had capital \$6,367,700, circulation \$2,748,700, and specie \$118,200. This was in May, 1857.

The banks were thus unprepared for the heavy demands made on them during the summer. The press had been for months warning them of their excessive issue of bills. The bond deposit system of New York maintained its bills in high standing while the mismanagement of the banks above mentioned discredited all Rhode Island bills. The state as a whole thus got the reputation of these institutions, which scattered "among people of other states a circulation which our own people will not take". The New York Herald asserted that Rhode Island was "up to its eyes" in railroad securities, taken for circulation to be distributed in the western states. Reckoning the loans on such securities at the par value of the collateral, however, it appeared that Rhode Island banks held \$651,000 of them. The real amount, allowing for the margin, was probably about \$400,000—a comparatively small sum when compared with the total loans of \$29,000,000.

On September 21st the bankers met and recommended a slight increase in loans. The situation was becoming tense. Two weeks had passed without the sale of a single yard of print cloth. Said the Journal on September 28th, "There never before were two such weeks as closed upon the business of Providence last Saturday. Money continues at unmitigated rates, although the demand slackens under the impossibility of obtaining discounts. There is hardly any cotton in the market. The manufacturers are working down their stocks with no disposition to renew them under present circumstances. It is impossible longer to raise money to pay labor and a dreary winter is before us". On December 24th there were 502,291 spindles and 9,661 hands idle in the state. Of the 216,824 spindles and 4,070 hands at work most of them were on from one-half to three-quarters time. Many attributed the severe suffering in Rhode Island to the inferiority of corporate management as compared with personal management. The difference was that between agency and ownership, and doubtless in the then newness of the former system, there was much truth in such assertions.

There had been much opposition to suspending, and when on September 28th a meeting was called for the purpose, six of the Providence banks were absent. They were the Merchants, the Providence, the Bank of Commerce, the Union, the What Cheer and the Lime Rock. Most of them were among the strongest of the local institutions. Thirty-three banks met and of those present twenty-one voted for suspension. The other banks were forced to follow soon afterwards.

Providence was a creditor city in the south and west, but the suspension in Baltimore and Philadelphia reduced its available resources, while it owed New York about as much as New York owed it. New York contracted its loans at the rate of \$4,000,000 a week. The failures thus caused involved Providence merchants, and Providence banks extended accommodations as far as possible to New York houses, when they could not get loans at home. Despite the large sums due from the south and west, these discounts turned exchange against Providence. On September 30th rates as high as twenty-four per cent. were offered by borrowers and refused. On October 7th it was estimated that Providence banks had \$8,500,000 due to them and maturing from time to time at specie paying points, and a net circulation in the hands of the public of \$1,100,000. It was thought, therefore, that their bills would not fall below one per cent. discount, but the suspension of the New York banks on October 15th ended the hope. Local banks contracted their loans \$1,500,000 in less than two months, and by December the reduction exceeded \$3,000,000.

Precisely the same expedients were attempted in 1857 as had been adopted in 1837, but the lack of harmony among the banks made it impossible to enforce them. Between the time of suspension of the Providence and the New York banks many of the former which had deposits in New York sold specie checks on such deposits at a good premium.

When the worst of the crisis was over the causes for it were sought, and among those peculiar to local banks that most condemned was the long period of credit. Print cloths were sold on eighteen months' credit. Eight, ten and twelve months' discounts were common, and those under four months were rare. A tacit approval of a six months' period for credits as a maximum was for a time observed. Others found the cause in the association of banks of discounts with banks issuing bills. A meeting at the Providence Board of Trade advocated state issues of bills, to be loaned to the banks on deposit of two-thirds public securities and one-third bullion.<sup>1</sup>

In January, 1858, Rhode Island banks resumed specie payment. At a session of the legislature in the same month some new banking laws were passed. The whole amount of debts that a bank might owe exclusive of deposits was restricted to sixty-five per cent. of its capital. Circulation was also limited to sixty-five per cent. of the capital stock. Neither of these restrictions affected the then solvent banks.

In 1860 the only cloud on the horizon was that of secession. Prosperity had quickly returned, but was almost as quickly dissipated by the outbreak of the war. During the first year of conflict Providence banks took \$460,000 of government obligations. In December, 1861,

<sup>1</sup>Providence Journal, Sept. to Dec., 1857, *passim*.

they followed the New York banks and suspended specie payment. The enabling act, passed March 7th, 1865, prescribed the process of transfer of the state banks from the state system into the national bank system. The act provided for the redemption of their circulation by periods of six months, and they paid a tax of one-half per cent. on all that remained outstanding until the amount was reduced to \$8,000 for each bank, when the tax was to cease. Soon afterward a tax of ten per cent. was imposed by national law on all state bank issues after July 1, 1866. In November of 1865, only fourteen of the eighty-six state banks remained. In January, 1867, the local taxes on the capital stock of state banks were repealed. In 1872 the liability of stockholders was limited to double the par value of the stock held. The state since 1791 had issued 117 charters for new banks with an authorized capital of \$34,750,000.

#### FOURTH PERIOD—1865-1900.

This period has certain distinguishing marks through which it stands in sharp contrast to all previous periods. Its two most marked features are the rise and decadence of the national banking system, in so far as it had for its aim banking by means of circulation based on government securities, and the rise and success of the state trust company system, the business of which has been confined almost wholly to banking by means of deposits. A third feature common to both of these systems, but much more clearly marked in the latter than in the former, is the relatively slight importance which capital stock plays in the one and is destined to play in the other, and the correspondingly increased importance which surplus funds must play in both. As in the former period, the origin of these phenomena is to be found both in the nature of banking itself and in the adaptation of it to its changing economic environment. The perspective of these facts perhaps is too short for final conclusions to be reached, and our discussion too limited to permit of a detailed presentation of all the elements which have contributed to the results. The most salient points group themselves naturally around the three topics of circulation, deposits and capital, and are especially concerned with the local industrial conditions which have affected the shifting of the basis of the banking business from capital to deposits.

The amount of circulation of the eighty-six state banks in 1864 was about \$7,000,000. This circulation was supplanted by that issued by the national banks. The latter, because of restrictions upon its issue, had less earning power than an equal amount of state bank currency, but the state currency was limited to sixty-five per cent. of the capital stock of the banks, while the national currency was limited to ninety per cent. of the amount of United States bonds deposited as a basis for it. The national currency had an additional merit in that its



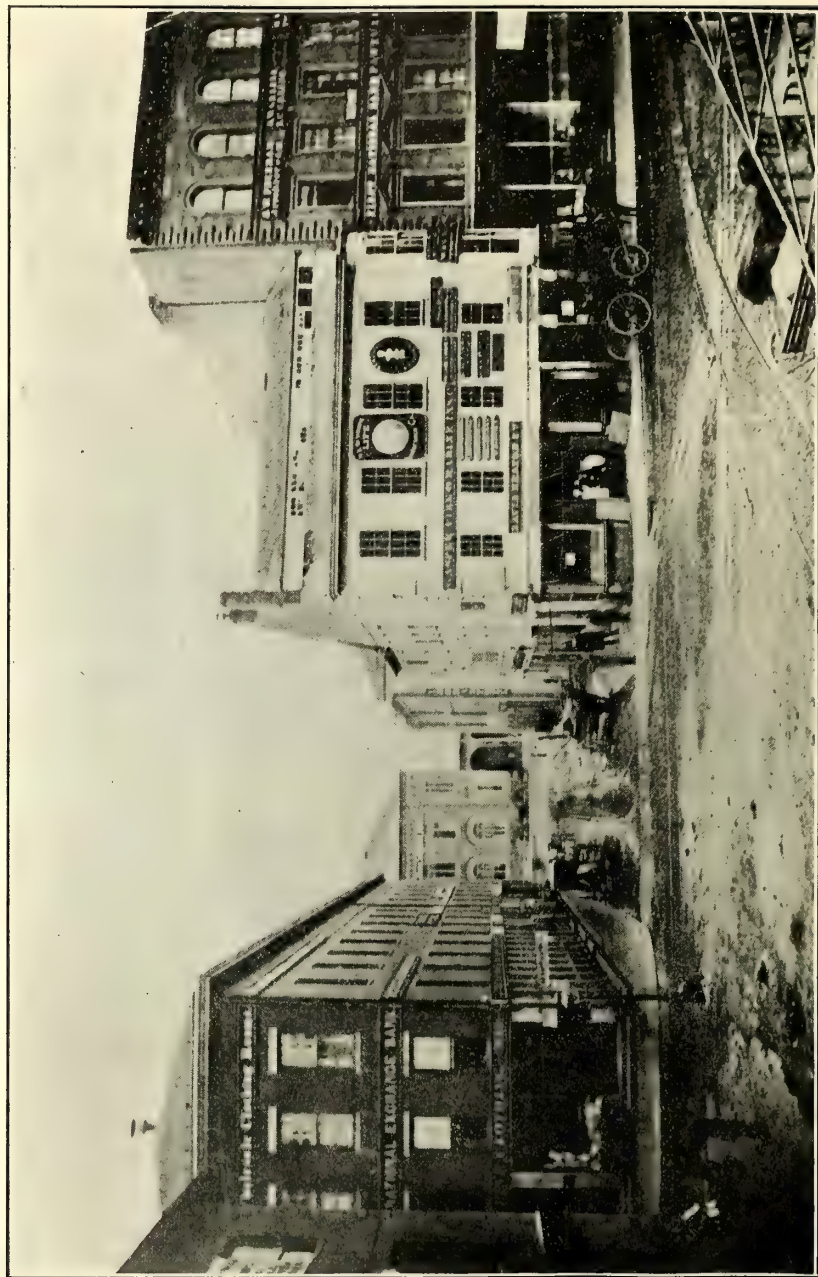
redemption was not a first charge upon the general assets of the banks, but was assumed by the government. The lesser degree of profitability which it offered was thus offset by a possible larger issue of it and an absence of liability for its redemption. The demand liabilities of the banks were thus greatly reduced. Under the combined influence of the suspension of specie payments in 1861, the resulting weakness of the Suffolk System of redemptions and the rapid depreciation of all paper currency, Rhode Island banks became so far inflationists as to more than double their circulation issues between 1861 and 1864. The additional emphasis given to inflation by the character of the national bank currency just noted, found here as elsewhere a ready response. The national banks by 1870 had issued over \$12,000,000 of bank notes.

The issue of these notes had an effect upon the amount of available local capital the reverse of that which had resulted from all previous large issues of circulation, because under the national banking system they were offset by the amount of local capital necessarily loaned to the government in the purchase of government bonds. Inasmuch as the bonds were usually at a premium and only ninety per cent. of their par value could be issued in the form of notes, there was even less capital left for local purposes with circulation than without it.<sup>1</sup> Because of this fact local banking funds in 1870 were about \$8,000,000 less than they had been in 1864. The effect of this contraction in a community, the business of which was so dependent on credit, was marked. It would have been more severe had not local needs been partly supplied by the state banks, the newly organized trust companies and savings banks.

When a few years later national bank currency became unprofitable and was gradually retired, the national banks which had large investments in government bonds were compelled to retain the bonds at a low rate of interest, or in selling them to re-introduce into the local field an equal amount of banking capital, the uses for which had already been supplanted by rapidly increasing bank deposits. Such national banking capital therefore appeared to be redundant. And it seemed the more redundant because by 1890 the national banks, with \$20,000,000 of capital, on which they must earn dividends, was compared with the trust companies, with about \$2,000,000 of capital, had less than fifty per cent. more of deposits than the latter.

That portion of bank deposits which consists of small amounts of

<sup>1</sup>In 1864 the loanable banking fund had consisted approximately of \$21,200,000 banking capital, \$1,500,000 surplus, \$6,900,000 circulation and \$6,600,000 deposits—total \$36,200,000. In 1870 it consisted of \$20,300,000 national banking capital, less \$13,700,000 invested in government bonds, or \$6,600,000 net capital, \$3,300,000 surplus, \$12,400,000 circulation, and \$6,100,000 deposits—total \$28,400,000. The difference in favor of the state bank system with an equal amount of capital was about \$8,000,000.



# THE HAMILTON BUILDING

FORMERLY OCCUPYING THE SITE OF THE INDUSTRIAL TRUST COMPANY BUILDING, PROVIDENCE. THE HAMILTON BUILDING WAS BUILT IN 1816 AND DEMOLISHED IN 1882.

FROM A PHOTOGRAPH IN THE POSSESSION OF THE RHODE ISLAND HISTORICAL SOCIETY.

idle capital or of savings played no important part in Rhode Island banking until after 1850. As late as 1860 such deposits were largely confined to savings banks. At the close of the war they began for the first time to constitute an important portion of the assets of banks of discount and demand deposits.

The trust companies entered the local field at this point in the development of banking. They combine the functions of saving banks with the functions of banks of discounts and demand deposits. They have had in Rhode Island a development paralleled by that in no other state. They were free from the taxes on deposits and capital which were imposed upon the national banks. Their beginning was opportune, because it coincided with the period of reconstruction. Being at first very shrewdly managed, they escaped the serious losses incident to the panic of 1873. The first charter granted was that of the Rhode Island Hospital Trust Company in May, 1867. Incidentally we may note that this was the first state charter upon which was imposed, in lieu of a tax, the obligation to devote a certain portion of its profits to charitable purposes. The company was required to pay one-third of its net income over six per cent. to the Rhode Island Hospital as long as the legislature should grant no similar charter to parties other than its incorporators. It was a bank without the power of issuing circulation. It was authorized to "receive and hold money upon optional terms", "at interest agreed upon", and to invest such money in such ways as the directors deemed "prudent."

It was required to deposit with the state treasurer bonds of the New England states, New York or the United States to the value of twenty per cent. of its capital. This deposit exempted the company from all liability for its acts as executor, administrator, guardian, assignee or receiver, in all of which capacities it was authorized to act. It also exempted individuals acting in such capacities from liability on all deposits left with the trust company. In 1870 the company had \$2,000,000 of deposits; in ten years its deposits exceeded \$6,000,000. Soon afterward competition began; in 1900 there were ten active trust companies in the state, although the business was practically confined to six of them.<sup>1</sup> Their capitals amounted to \$4,107,600; their surplus to \$3,400,000; their deposits to \$40,200,000. In July, 1901, their deposits amounted to \$45,300,000.

The state banks had paid interest on certain portions of their deposits. The trust companies began at once to pay interest on both time and demand deposits. At the same time the national banks were paying a tax of one and one-half per cent. on deposits and continued to do so until 1883. The small banking capital of the trust companies, their liberal charter powers and the facilities which they could offer to

<sup>1</sup>The Newport Trust Company was organized in 1902.



depositors, drew to them a rapidly growing deposit account. The national banks refused to pay interest on demand deposits until they were compelled to do so by their rapidly increasing assets. Indeed, in order to furnish accommodations to their customers, they were frequently obliged to borrow from the trust companies, at good rates of interest, the very funds which the latter had attracted from them. Within the ten years from 1890 to 1900 the deposits in the national banks of the state increased from \$16,700,000 to \$17,500,000, about five per cent. Within the same period the deposits in trust companies increased from \$12,000,000 to over \$40,000,000, about 330 per cent. Savings banks deposits have increased about 250 per cent. since 1870.

This enormous total of small sums of idle capital in the form of deposits has within the past thirty years taken the place in the field of banking, which for seventy years previous to 1865 was occupied almost wholly by banking capital in the form of capital stock. Within the last thirty years circulation banking has ceased also to be important. The rise of deposit banking, therefore, is clearly the chief cause of the redundancy of national banking capital in Rhode Island, but it is not the only cause. The economic revolution which has been accomplished in the same period has to a peculiar degree emphasized and accelerated that redundancy.

The industrial supremacy which Rhode Island retained until 1870 was dissipated by the panic of 1873, and in the reorganization of industry which has since occurred, the proportion of circulating capital to fixed capital has decreased, and thus the demand for credit in the form of discounts has not increased at the same rate as general business. The period of contraction which began soon after the war expressed itself in constantly falling prices. It found Rhode Island as well as other states doing business on a line of credits inflated to correspond with war prices and an expectation of a continuance of war profits. Declining profits were met by increased borrowings to carry the load of accumulating products. Rates of money advanced rapidly and the crisis was reached in 1873. The failure of Jay Cooke & Co. in September was followed by a period of suspense and uncertainty, during which the character of manufacturing paper, based upon the inflated values above noted and carried from year to year, was keenly scrutinized. Rates of interest in the local market rapidly advanced from ten to twenty per cent. In the latter part of October Rhode Island was shocked to its industrial center by the suspension of the A. & W. Sprague Manufacturing Company of Providence, and Hoyt, Sprague & Company of New York.<sup>1</sup> The assets of the Spragues

<sup>1</sup>Various other concerns dependent upon Sprague capital or interests were involved in this suspension.

were appraised at \$19,495,000; the liabilities at \$11,475,000.<sup>1</sup> The business interests of the Spragues were widely extended. The estate as a whole was put into insolvency, and though some portions of it were solvent the severe contraction of business during the next few years entailed enormous losses upon the creditors.

The Cranston Savings Bank, to which the Spragues owed \$1,130,000, closed its doors. The Franklin Savings Bank of Providence, to which they owed \$750,000, went down in the ruins. The Sprague obligations to the Globe National, the Second National and the First National Banks were nearly three-quarters of a million dollars each. The Globe reduced its capital from \$600,000 to \$300,000. The Second reduced its capital from \$500,000 to \$300,000. The First reduced its capital from \$600,000 to \$500,000, and all of them assessed their stockholders in order to partly recoup their losses. For more than twelve years the property was the subject of litigation in the courts and during that time idle mills were sold at prices about one-sixth of their appraised value as going concerns.

The enormous sums involved in this failure astounded the whole country. It had no parallel in the industrial history of the United States. It gave Rhode Island a blow from which her industry has never recovered. The subsequent failures which can be traced to this as their primary cause extended over a period of more than twenty years. The unfortunate craze for speculation in land soon after the war began to reap its reward during the years preceding "Resumption". It resulted in further losses to the banks. The City Savings causes resulted in further losses to the banks. The City Savings Bank suspended payment for a time. The Rhode Island Savings Bank and the Union Savings Bank went into liquidation. The Pawtucket Institute for Savings, the Franklin Savings Bank of Pawtucket and the Providence County Savings Bank were practically reorganized. The Grocers and Producers Bank failed. The State Bank reduced its capital. The Northern and the Union Banks reduced their capital and later went into liquidation.<sup>2</sup> Scarcely a bank in the state escaped serious loss. The whole period was one of noteworthy industrial depression. The demand for capital became less active, and although the banks had suffered so severely they were compelled to seek a field for the investment of even their reduced resources outside the state. Litigation and liquidation entailed losses upon them in addition to those which they at first suffered, and from which they have not yet recovered. Between 1889 and 1898 eight failures have occurred in Rhode Island involving liabilities of \$10,000,000. A reconstruction and reorganization of the state's banking system has been the slow but sure attendant of these events.

<sup>1</sup>Journal, Nov. 3rd, 1873.

<sup>2</sup>R. I. Bank Reports.

Thus while deposits were supplanting banking capital as a means of discount, while the conditions incident to retiring national bank circulation were slightly increasing the amount of national banking capital available for the local field, and while its earnings were being reduced by the competition of the trust companies, the industrial convulsions of 1873, which had destroyed some of it, was accompanied and followed by a marked contraction of the field that remained for its use. From a series of cumulative events a large amount of local national banking capital had ceased to have any reason for existence. During a series of years, beginning about 1880, the average return to the stockholders in the form of dividend was less than three per cent. About 1890, Marsden J. Perry, of Providence, recognizing this condition of affairs, began to advocate a system of consolidation and liquidation of national banks. Others have aided in the movement. From 1890 to 1901 inclusive twenty national banks have retired from business. The total capital stock has been reduced from about \$20,000,000 to \$13,000,000. Local banking has been revolutionized.<sup>1</sup>

At the beginning of this chapter we saw a community, imbued with inflationist ideas, trying to solve the problem of furnishing a currency both elastic and convertible, adequate to the purposes of discount and circulation and based partly upon nothing and partly upon contingent assets. We saw that John Brown and his associates partly solved the problem by the harsh bank process power and the expedient of short time notes, which converted a large portion of the contingent assets of the banks into quick assets. At the same time we saw that the nature of the industrial organization and the business relations of the banks themselves combined to quickly dissipate the thought of a fiat medium from the minds of business men. Currency problems were then confined to the state.

At the close of the century we find the problem transferred to the national field, and although some progress has been made we are still far from knowing how to furnish a currency elastic, safe and adapted to the diverse needs of the country.

We have seen the chief reason for the existence of the national banking system gradually disappear, because bonds which the banks first purchased have been taken by private capitalists, and because the rising prices of them and falling rates of interest have combined to

<sup>1</sup>As to the inter-bank facilities, it may be noted that the clearing system which had centered around the Merchants National Bank and the National Bank of North America was simplified by the establishment of a clearing house on July 1st, 1888. The Union Trust Company began a system of branch banks in 1891. At present the Industrial Trust Co. has five branches and the Manufacturers Trust Co. has one.



render national bank circulation unprofitable. The recent modification of the laws affecting it have as yet scarcely passed beyond the stage of experiment.

We saw discount banking based by force of circumstances almost wholly upon banking capital. After having done its part, both to the state and national bank system we find that capital disappearing because of changed economic conditions. In its place we see an intricate system of credits granted by means of deposits.

We saw at the outset that circulation was a dangerous means of discounting, because it was a demand liability based on a non-demand asset. We see to-day precisely the same danger existing in the large use of deposits as a means of discounting because they are a demand liability dependent on non-demand assets. The danger at first was avoided by an artificial method of converting slow into quick assets. Whether or not the present danger will be avoided depends upon the proportion of the banks' investments which can properly be classed as quick assets. But it must not be forgotten that the large accumulation of wealth during the century has become the basis of countless securities of a standard value in an almost worldwide market. These are instantly convertible. Hence while we may compare the demand currency of 1800 and the demand deposits of 1900 as possessing similar elements of danger, no comparison is possible between the means then and now available for providing against such dangers.

*Howard Kemble Stokes*

## STATE AND OTHER BANK STATISTICS.

The figures are thousand of dollars only, 000 being omitted.

Year	No. of Banks	Capital	Surplus	Circulation	Deposits on Interest	Deposits not on Interest	Due to Banks	Other Liabilities	Loans and Discounts	Specie	Bills	Due from Banks	Stocks and Real Estate	Other Stocks	Real Estate and other Property	Dividends	Loaned on its own Stock	Overdue paper
Oct. 1809	13	\$1,500 <sup>1</sup>	---	\$435	---	\$488	---	---	\$2,037	\$410	\$79	\$88	---	---	---	---	---	---
1810	13	---	---	542	---	456	---	---	2,266	394	143	41	---	---	---	---	---	---
1811	13	---	---	460	---	464	---	---	2,330	343	3102	20	---	---	---	---	---	---
1812	13	---	---	541	---	645	---	---	2,363	476	3126	95	---	---	---	---	---	---
1813	13	---	---	770	---	1,092	---	---	2,487	534	245	4329	---	---	---	---	---	---
1814	14	---	---	549	---	636	---	---	2,386	442	70	166	---	---	---	---	---	---
1815	16	---	---	576	---	321	---	---	2,556	358	83	49	\$46	---	---	---	---	---
1816	16	---	---	547	---	283	---	---	2,547	251	115	20	200	---	---	---	---	---
1817	17	---	---	634	---	586	---	---	2,635	334	259	98	264	---	---	---	---	---
1818	27	---	---	597	---	574	---	---	2,905	393	171	55	334	---	---	---	---	---
May 1819	30	2,968	\$12	690	---	424	\$1	---	3,064	371	150	45	473	---	---	---	---	---
1820	33	3,157	15	601	---	499	7	---	3,387	326	152	55	430	---	---	---	---	---
1821	33	3,241	16	675	---	466	8	---	3,647	355	217	93	400	---	---	---	---	---
1822	33	3,662	21	645	---	449	5	---	4,076	346	159	76	333	---	---	---	---	---
1823	37	3,962	65	593	---	412	4	---	4,331	288	136	73	336	---	---	---	---	---
1824	42	4,444	79	726	---	608	10	---	5,060	341	200	115	299	---	---	---	---	---
1825	43	5,292	116	1,021	---	770	65	---	7,253	452	196	165	319	---	---	---	---	---
1826	43	5,571	115	713	---	665	149	---	6,218	376	145	117	324	---	---	---	---	---
1827	44	5,621	119	824	---	950	163	---	5,913	449	165	186	379	---	---	---	---	---
1828	45	6,051	151	913	---	1,015	189	---	7,474	344	168	142	347	---	---	---	---	---
Oct. 1829	47	6,098	173	675	---	809	109	---	6,910	342	123	261	350	---	---	---	---	---
1830	46	6,065	146	929	---	946	118	---	7,022	366	188	329	337	---	---	---	---	---
1831	50	6,732	180	1,342	---	1,291	112	---	8,247	426	230	250	323	---	---	---	---	---
1832	49	7,113	193	1,208	---	1,159	157	---	8,551	355	230	250	329	---	---	---	---	---
1833	51	7,439	232	1,264	---	1,453	129	---	9,192	404	274	294	491	---	---	---	---	---
1834	58	8,041	270	1,251	---	2,273	154	---	9,608	467	261	263	303	---	---	---	---	---
1835	61	8,751	319	1,644	---	1,697	189	---	11,085	566	380	290	339	---	---	---	---	---
May 1837	61	9,849	433	1,440	\$321	1,374	665	---	12,627	263	---	830	373	---	---	---	---	---

	Oct. 1887	62	9,837	471	1,864	796	1,305	604	\$12	13,401	243	430	452	\$ 82	62	\$222	6.6	\$15	\$ 61
May	1888	62	9,852	454	2,195	1,003	449	606	27	12,794	464	429	433	120	52	235	7.	780	---
	1889	62	9,965	445	2,040	852	1,946	494	31	13,110	416	532	468	103	54	237	7.	719	---
	1890	62	9,968	461	1,335	468	817	386	20	11,712	344	322	553	152	97	276	6.5	621	---
	1841	62	10,111	446	1,681	264	1,334	500	26	12,064	448	458	831	203	97	260	6.75	597	---
	1842	62	10,160	437	1,585	352	812	412	25	11,911	325	341	709	112	114	257	7.	580	---
	1843	62	10,176	413	1,619	202	947	522	27	11,668	336	399	954	135	128	270	6.25	584	671
	1844	61	10,227	384	2,887	125	1,552	804	25	12,621	383	526	1,255	93	174	250	5.25	495	516
	1845	61	10,176	439	2,560	170	1,270	654	25	13,399	296	439	669	62	169	261	5.75	426	435
	1846	61	10,549	510	2,907	270	1,079	757	26	14,133	280	461	694	48	202	289	6.75	352	198
Oct.	1847	62	11,023	619	2,842	196	1,208	854	31	14,987	325	405	572	61	226	257	6.50	362	450
	1848	61	11,150	661	2,380	103	1,118	479	29	14,294	306	423	396	63	195	243	6.75	352	269
	1849	61	11,298	685	2,525	126	1,283	588	28	13,555	291	443	485	85	155	250	6.8	334	488
	1850	63	11,716	740	2,554	139	1,453	651	36	14,300	298	538	441	71	151	297	7.1	338	---
	1851	69	12,906	783	3,077	206	1,661	934	43	16,300	278	626	629	37	120	285	7.	393	118
	1852	70	14,037	839	3,322	376	1,748	892	51	18,736	415	726	948	42	116	282	7.25	428	402
	1853	77	15,946	991	4,895	363	2,184	1,063	54	21,248	360	844	1,005	28	121	293	7.	423	239
	1854	87	17,542	1,074	5,035	329	2,682	1,047	90	23,354	312	881	933	31	112	298	7.1	531	390
	1855	92	18,715	1,151	5,404	351	2,831	1,192	84	26,385	386	1,137	1,242	32	131	393	7.1	469	541
May	1856	98	20,364	1,313	5,522	660	3,142	1,475	54	28,679	548	1,252	1,255	89	128	549	7.4	561	435
Dec.	1857	93	20,561	1,338	5,344	439	3,046	1,484	75	29,094	330	1,220	1,135	83	128	595	7.1	666	585
	1858	93	20,310	1,309	3,193	381	2,452	1,661	58	25,823	571	861	1,411	227	145	578	892	1,387	---
	1859	91	20,765	1,180	3,375	477	2,733	1,140	75	25,104	657	939	1,558	194	207	631	6.8	608	1,300
Nov.	1860	90	21,152	1,161	3,656	732	2,894	1,123	74	26,760	468	1,116	1,023	93	214	732	6.7	672	1,128
	1861	90	21,234	1,177	3,773	819	2,898	1,396	88	25,546	472	966	846	81	99	754	6.5	625	800
	1862	88	20,889	1,156	3,306	737	3,005	965	89	26,561	607	887	1,041	97	400	991	7.4	694	1,473
	1863	87	20,977	1,128	6,485	903	4,737	2,012	94	29,857	505	1,785	2,160	112	871	959	7.4	622	1,025
	1864	86	21,209	1,253	7,047	1,188	4,673	1,569	104	30,345	479	1,503	1,724	145	1,572	922	6.8	486	768
	1865	14	3,558	200	1,628	1,296	5,334	1,680	141	30,317	455	1,921	1,921	121	2,286	913	7.3	521	510
	1870	15	3,083	189	30	127	1,087	46	19	5,699	46	276	390	52	223	71	7.	94	154
	1875	15	3,083	189	30	127	1,087	46	19	5,699	46	276	390	52	223	71	7.	94	154
	1890	26	917	149	1	289	529	70	6	1,097	10	76	219	110	93	354	5.5	44	107

<sup>1</sup>Estimated. <sup>2</sup>Including 2 in liquidation with capital, \$421,675. <sup>3</sup>Treasury notes. <sup>4</sup>Specie deposited by residents in the seaport towns in inland banks for safe-keeping.



## TRUST COMPANIES.

Year	No. of Banks	Capital	Surplus	Deposits	Due Banks	Other Liabilities	Loans	Cash	Stocks owned
1870	1	\$ 500	\$ 5	\$1,984	---	---	\$2,283	\$ 80	---
1880	1	800	33	6,410	---	---	6,243	763	\$ 237
1890	6	2,164	563	12,073	---	---	13,618	848	339
1900	11	4,108	3,379	40,456	2,622	992	47,155	2,713	1,588

<sup>1</sup>Including 1 in liquidation with capital of \$282,000.

## NATIONAL BANKS.

Year	No. of Banks	Capital	Surplus	Circulation	Deposits	Loans
1870	62	\$20,365	\$3,267	\$12,378	\$6,076	\$22,867
1890	59	20,214	6,282	3,098	16,788	36,664
1900	42	14,676	5,006	5,185	17,547	28,744
1901	30	13,251	---	---	---	---

## SAVINGS BANKS.

Year	No. of Banks	Deposits
1850	7	\$1,495
1860	21	9,164
1870	26	30,708
1880	39	44,756
1890	38	63,719
1900	34	74,847

Industrial  
Development.





## CHAPTER IV.

### INDUSTRIAL DEVELOPMENT.<sup>1</sup>

Agriculture is the first industry, the one upon which all others rest, and yet it cannot do without the assistance of its co-laborer—manufacture. The pioneer who fells the tree and tills the virgin soil must pay tribute to the mechanic and the artisan. He must have clothes, he must have household utensils, and he must have tools. Hence the shoemaker, the blacksmith, the sawyer and the carpenter are each and all necessary to the farmer.

The early New England pioneers were obliged in a certain sense to be jacks-at-all-trades. Every man made his own log hut, and the housewife made the clothes for her family—often from the skins of wild animals, but it was not long before men began to follow the callings for which they were best adapted, as necessity arose for their practice. The blacksmith, the miller, the shoemaker, the tanner, the carpenter, the lime burner, the charcoal burner, the tar-maker and the ship-builder soon became as necessary to the welfare and comfort of the colonists as the minister and the doctor.

Transportation was a difficult problem in early Rhode Island days. It was simplified somewhat in winter, but at other seasons of the year everything possible was transported by water.

Most of the early settlements were in close proximity to Narragansett Bay or its affluents, and shipbuilding was one of the first of the colony's manufacturing industries. But as lumber is a necessary concomitant of the construction of sailing craft, it is altogether probable that the saw-mill antedated the shipyard. Just when the first saw-mill was set up in the colony is not known, but the Colonial Records

<sup>1</sup>In preparing this chapter the writer has avoided, as far as possible, encumbering the pages with foot notes. Among the authorities consulted and the individuals to whom he is indebted for assistance are: Bishop's History of Manufactures; Census and Statistical Reports of the United States; Rhode Island Colonial Records; Arnold's History of Rhode Island; Staples's Annals of Providence; Providence Plantations; Peterson's History of Rhode Island; Bayles's History of Providence County; Fuller's History of Warwick; Publications of Rhode Island Historical Society; Rider's Historical Tracts; the Providence Gazette; the Providence Journal; the Manufacturing Jeweler; Dockham's Textile Annual; the State Census and Industrial Statistics Reports of Rhode Island; and the Early Records of the Town of Providence.

declare that at a general meeting (of the freemen) in Portsmouth, on the 16th of the ninth month, 1638 (the first year of its settlement), it was "ordered that John Porter and John Sanford shall treat with Mr. Nicholas Esson, and shall fully agree with him in allowing of him sufficient accommodations for foure cowes, and planting grownd as they shall think meett, all which is for the setting up of a water mill, which the said Mr. Esson hath undertaken to build for the use and good of the plantation". At a court held in Newport, on the 7th of the eleventh month, 1639, it was decreed that, "Whereas complainte was made by the secretarie on the behalf of the town of Nieuport against Ralph Earle for his falling of timber contrarie to order, and suitt made accordinglie in the courte, by the courte it is ordered that



LITTLEFIELD WIND MILL, BLOCK ISLAND.  
Erected 1815.

said Ralph, and Mr. Willbore, his copartner shall serve the towne with good sufficient stuff, viz.: with sawn boards att eight shillings the hundred, and half-inch boards at seven shillings, to be delivered at the pitt by the waterside, and clapboard and paile at twelve pence a foot by the stubb, sound and sufficient merchantable ware; and it is further ordered that the said Mr. Willbore and Ralph Earle shall not make sale of any of the timber within ye bounds of the towne of Nieuport, nor transport any of it (eyther whole or broken) to any other plantation without license, as they shall answer at their perill". It thus appears that the first mills were run by water, but some years later windmills were introduced, and they seem for a time to have displaced the water-mills, both for the grinding of grain and the sawing of lumber. The

first windmill in the colony was erected in Newport in 1663 by Governor Easton and his sons. It was blown down in 1675. The old stone mill, about which so much controversy has taken place—many savants believing it to have been erected by the Northmen more than a thousand years ago—is supposed to have been built for a windmill by Governor Benedict Arnold after the destruction of Governor Easton's windmill. Windmills are still often seen in this State, and they are quite numerous in the town of Portsmouth, where they have been much in evidence for more than two centuries.

The first record we have of the building of ships in Rhode Island is found in Trumbull's "Complete History of Connecticut," which states that in 1646 the New Haven colony built a ship of one hundred and fifty tons at Rhode Island (probably at Newport).

As the business of shipbuilding must have been established some little time to have obtained fame in other colonies, it is probable that it had already been carried on several years by the builder who received this Connecticut order. Before the close of the seventeenth century shipbuilding had become an important business at Newport, and it was also carried on at Warren, Bristol and other coast settlements, including Providence and Warwick. In answer to a request received from the British "Lords of Trade," in 1680, regarding various matters, Governor Sanford's answer so far as it related to shipping was: "We have no shipping belonging to the colony, but only a few sloops." The colony had been accused of lawlessness, and as there was danger of its chartered privileges being taken away, the governor's answers were framed in such a guise as to convey the impression that the settlers were living under very humble conditions. It was probably a fact that at that very time the colony was well supplied with shipping, and was carrying on a thriving trade with the other colonies and the West Indies. At all events, there was considerable shipbuilding done here about two centuries ago. One hundred and three vessels were built in the ten years from 1698 to 1708, eight of which were ships. In 1704 the colonial General Assembly imposed a tonnage duty on all vessels not wholly owned by its inhabitants.

In 1709 Edward Wanton, a shipbuilder from Scituate, Massachusetts, came to Newport and established a shipyard, and the colony purchased one of his vessels—the sloop *Diamond*—for £400, and chartered another, and fitted them up as ships of war to take part in the expedition against Port Royal in Nova Scotia. The shipping interests of Newport assumed very large proportions. In 1739 more than one hundred vessels were owned there, and its West India trade for many years was very large. At one time as many as eighteen West India-men were known to arrive within twenty-four hours. Several of the warships of the Revolution were of Rhode Island build. Among them were the 28-gun ship *Providence*, which was captured by the British



at Charleston, S. C., in 1780, and the 32-gun ship *Warren*, which was burned by its crew on the *Penobscot*, in 1779, to prevent it from falling into the hands of the British. These ships were two of the lot ordered by Congress in December, 1775, and were both launched at Providence in the following May. The *George Washington*, a 624-ton ship, which was purchased by the government in 1798 at Providence, is supposed to have been built either there or at *Warren*. The *General Greene*, a ship of 645 tons, which carried twenty-eight guns, was built at *Warren* in 1799. Another war vessel, the *Chippewa*, a 14-gun brig, was built at *Warren* in 1815.

Newport's commercial development was very marked just before the Revolution. In 1769 the port employed two hundred vessels in foreign trade, and between three and four hundred in the coasting trade. It then ran a regular line of packets to London, and also had many ships engaged in whaling. Newport enjoyed a bright future at this time, and its inhabitants were confident it would become the commercial metropolis of the colonies. The Revolution, however, ruined the town. It was occupied by the British throughout the greater portion of the war, and its commerce and shipbuilding ceased for the time being and never recovered from the blow, as, after peace was restored, the town's supremacy was gone and trade had been diverted to other ports.

Providence, on the other hand, was more happily situated, as it was never in the hands of the British, and its ships had access to the sea for most of the time through the West Passage. It became a port of shelter and equipment for the Colonial Navy, and several of our first war vessels, as before stated, were built there. After the war it had quite a boom in shipbuilding and its ships were often seen in other lands. A few years after the restoration of peace a ship of 950 tons—a large vessel one hundred years ago—was built there for the East India trade. In 1791 one hundred and twenty-nine sail, with a total tonnage of 11,943, were owned in that port. Bristol was also for some years quite a shipbuilding port, and quite large vessels were constructed about a century ago in Pawtucket. One of them, the ship *Tyre*, built between 1780 and 1785, sailed around the world in 1790. The ship *Washington*, built in Providence, also circumnavigated the globe in the year 1800. The ship *Ann and Hope*, built in Providence for the famous trading house of Brown & Ives, made several voyages to the Orient. It was a fast sailer and there was said to have been but one American vessel on the waves that could show its wake to it.

The extensive shipbuilding and commerce of the colony led to the establishment of certain other lines of industry. In 1769 there were seventeen or more sperm oil and candle manufactories in Newport, and also five or more rope-walks. The slave trade, in which many Rhode Island ship owners were interested, was coincident with the establish-

ment of many distilleries for the manufacture of rum, which was a staple article in bargaining for slaves on the African coast. The production of duck or sail cloth, also, was a natural accompaniment of the colony's commercial development. In 1722 the General Assembly voted to give William Borden of Newport a bounty of twenty shillings for each bolt of duck manufactured by him of hemp grown in the province, and equal in quality to good Holland duck. This bounty was to last ten years, but it appears that even with such assistance this "infant industry" was not able to go alone, for in May, 1725, in response to a petition from him £500 was granted him from the colonial treasury, "if there be so much to spare." Still the business did not pay, and in 1728 he again asked the General Assembly for assistance, whereupon it was voted to issue £3,000 in bills of credit at his expense, and loan the amount to him, without interest, upon receiving surety from him that it would be paid at the expiration of ten years. By the terms of the resolution he was required to manufacture one hundred and fifty bolts every year, of good merchantable duck. In 1731 the General Assembly relieved Borden from the requirement to produce the stipulated quantity, but continued the bounty upon such quantities as he might make. Bounties were also paid about this time to the growers of flax and hemp to encourage the making of linen. The burning of pot, pearl and soap ashes, of lime and brick were among the earliest of colonial industries. In 1648 William Hawkins of Providence was granted the privilege of setting up a kiln to burn lime in front of his own lot, during the town's pleasure. This is believed to be the first kiln erected in New England for the burning of limestone. The so-called lime used at first in the colonies was obtained by burning oyster shells. The wording of the foregoing order would seem to indicate that Hawkins's kiln was for burning limestone rather than oyster shells, but it is not absolutely certain that such was the case. Staples's "Annals of Providence," citing a town order, passed (as supposed) in 1662, by which one Thomas Hackleton was given permission to burn lime on the common "near about", and to take stone and wood for the purpose, says that "this is the earliest notice of the manufacture of that important article".

At the "Monthly Court Meeting" of the town of Providence, January 1, 1646, it was "agreed that John Smith shall have the valley where his house stands, in case he sets up a mill, as also excepting sufficient highways." Staples's Annals, which erroneously give the date of this order as in 1746, says: "This valley comprehended all the land between the west bank of the Mossassuck river and the hill to the east of Jefferson plains, from Smith street on the south to Orms street on the north." Charles street now passes along this valley. This mill was for grinding corn and other grain. In 1649 an agreement was entered into between the town and Alice Smith, widow of John,

regarding this mill. In consideration of its always being in good condition for grinding, she and her heirs were to have a certain amount of land. The same year it was agreed that the corn of the town should be ground on every second and third days of the week.

The first record we have of the manufacture of brick in the colony is in 1681, when permission was given for its manufacture in Newport. In 1723 Thomas Staples of Providence was given liberty by the town to dig clay at Weybosset hill to make brick.

The shoemaker, as before stated, must have been one of the earliest settlers in Rhode Island. The first cobblers undoubtedly were compelled to import their leather from over the sea, but the tanner soon followed the shoemaker. In many cases, undoubtedly, the shoemaker tanned his own leather. An instance of this kind is found in the "Early Records" of Providence, one Zachariah Matheson of that town having, in 1698, bound himself to teach Benjamin Tailor, apprentice, "to tan leather and make shoes." Tanning, however, was carried on in Providence many years previous to this date, as these "Early Records" show that on June 24, 1655, a town order was passed regarding Thomas Oliver, Jr., that his houselot be laid out by "ye stampers, provided he follow tanning," etc. And still earlier—on November 3, 1652—it was ordered that Edward Inman shall not be liable to lose his houselot for not building thereupon, because he hath built in another more convenient place for his trade of dressing fox gloves. In February, 1707, the General Assembly passed a law for "preventing of deceits and abuses by tanners, curriers, and shoemakers."

The early colonial blacksmith was of necessity a more skilled workman than his modern successor. In addition to making shoes for horses and oxen and the iron work for the rude sleds and carriages of the pioneers, he was called upon to forge a great variety of articles used in the houses and on the farms. The discovery of iron ore near Lynn, Massachusetts, was the cause of the immigration from England of Joseph Jenks, in 1642, and he sat up near the mine the first foundry and forge in the country. Iron ore was also found near Pawtucket Falls, soon after the settlement of Providence, and the establishment of a foundry to utilize the ore was earnestly discussed. The earliest mention on record of the project is contained in a letter written by Roger Williams on November 22, 1650, to the Providence Town Council, in which he says: "I have bene sollicited & have promised my help about iron works, when the matter is ripe," etc. It is probable, however, that no iron works were built at this time, and that the first establishment of the kind was built by Joseph Jenks, junior, within the bounds of the present city of Pawtucket. The young man had learned the business with his father, at the Lynn forge, and hearing of the Rhode Island mine, he came in 1655 and built a house and erected a forge near the mine. He made domestic utensils and iron



tools, and found a ready market for his products in Providence and nearby towns in Rhode Island and Massachusetts. The forge was destroyed by the Indians in 1675, during King Philip's War, and was rebuilt after peace was restored. Besides his forge Mr. Jenks carried on a saw-mill and a carpenter's shop. It is worthy of note that some of his successors have been engaged in some branch of the iron industry up to the present day.

The Greene family, to which General Nathaniel Greene belonged, established an anchor forge on Potowomut, between 1720 and 1730, at which anchors for most of the shipping of the colony were made up to the time of the Revolutionary War. In 1735 Daniel Waldo purchased an ore bed in the town of Scituate and erected a furnace and foundry on the Pawtuxet river, near where the village of Hope is now located. It became famous as the Hope Furnace. Cannon were cast there, as well as large bells and other castings. Iron tobacco pipes were made at this foundry by one Jabez Hopkins, and swords of excellent quality were afterwards made by Hopkins's son, Ezekiel, and a few years after the Revolutionary War a steam engine was constructed at the furnace under the direction of Joseph Brown, of Providence, for the purpose of draining the ore pits. Other Providence residents beside Brown were financially interested in this mill, and at the beginning of the Revolutionary War the State contracted with its managers to furnish sixty cannon for local defense at a price not to exceed £35 per ton. The company agreed to deliver the ordnance within four months, but insisted on a guarantee from the State that it would take the cannon and pay for them, even if peace should be arranged before their delivery.

This was not the beginning of cannon manufacture in the State, however, as they had certainly been made as far back as 1745, for service against the French. In a report upon coal and iron made to the Rhode Island Society for the Encouragement of Domestic Industry, it is stated that John S. Brown of Pawtucket claimed that as early as 1703 his grandfather, Philip Brown, commenced casting cannon from iron made from the mixed Cumberland and Cranston ore. The foundry was in Cumberland, where he cast part, at least, of the cannon used in the celebrated Louisburg expedition in 1745. By an accidental explosion of the furnace he lost his life in 1763, when the manufacture of iron at that place was abandoned. There were two other iron furnaces in Cumberland some time previous to the Revolution. A siege battery of eight heavy guns cast, as is supposed, at the Hope furnace, was forwarded to General Washington at his request in 1781, and they were used effectively at Yorktown. Small arms were also made at the beginning of the Revolutionary War by Stephen Jenks of North Providence and others. Prior to the Revolution most of the domestic utensils and farm implements were made in the colony. One

of the most capable of its iron workers was Jeremiah Wilkinson of Cumberland. It is recorded of the latter, who was engaged in the manufacture of hand cards when the Revolution began, that, owing to the high price of tacks used in the business, occasioned by the war, and the labor of making them by the old process of hammering, he adopted the plan of cutting them from a sheet of iron with a pair of shears, and afterwards heading them in a vise. This process he afterwards applied to cold or cut nails, and he is said to have been the first to employ that mode of making tacks and nails. The Wilkinsons, like the Jenks family, produced many ingenious mechanics. They made anchors and heavy iron implements, screws, heavy oil presses, farming implements, stoves, pots and other castings. Oziel Wilkinson built a small furnace for casting iron, in which he made the first wing-gudgeons known in America. He and his family of five sons and four daughters removed from Smithfield to Pawtucket about the close of the war, and established an anchor mill there about 1784, making also farming tools and household utensils. Oziel's son David, who, as well as his four brothers, was a blacksmith, forged the iron work and turned the spindles and rollers for some of the machinery used in the first cotton factories. In 1797 he invented a gauge and sliding lathe, but as the patent expired before he had realized any profit from it, Congress, fifty years afterwards voted him \$10,000 as a partial recompense.

In brief, it may be said that while Rhode Island was in its infancy, before the inauguration of the factory system, before the adoption of labor-saving machinery, before the drafting of steam to lessen the necessity of muscular expenditure, nearly everything necessary to the comfort and well-being of its people was made within its borders.

The following letter from Moses Brown of Providence to a Newport friend will give a good idea of the state of manufacturing in and around Providence eight years after the close of the Revolutionary War:

"Providence, 19th, 11th Mo., 1791.

"Respected Friend:

"I intended writing thee before now in answer to thine respecting manufactures, but my attention has been much otherwise drawn, and tho' it may be late, I tho't I would make some essay to manifest I had not wholly neglected that attention which I owe to my friend.

"The spermaceti manufactory, thou art sensible, has been long standing in the State, and was the second at least in the State before the war, but the interruption of the whale fishery and impoverishment of Nantucket (from whence the heads mostly come) during the war, has wholly deprived this town, and almost yours, of that once profitable branch of business. None of it has been done here since the peace.

"The distilleries are also ancient. Two have been erected since the peace, one of them for gin, which, thou art sensible, is made of grain

and juniper berries. One of our old distilleries of spirits is turned into a gin distillery, so that large quantities of that article are now made. The remains of the wort fattens large quantities of pork.

"We had one sugar house before the war, one erected in and toward the close of it, and one since. The latter only is now improved, for want of stocks of brown sugar.

"We have in this county one furnace for making pig iron in Seituante, the ore bed in Cranston. The water from the pit is discharged by a steam engine, also made here and at the furnace. We have 12 or 13 forges which make bar iron out of pig ore, scrap iron and black sand. The latter is bro't from the south shore of the State mostly. A slitting mill has been lately erected in this neighborhood. It also plates iron, makes hoops and rails, shovels and spades, of which articles many are made for exportation. Anchorsmiths are ancient, but as the business has increased, divers have set up the business, and many are made for exportation. The steel manufactory is perfected, as to the kind blistered and drawn equal to imported, and is made so low that the importation has mostly ceased. Ten per cent. on a cwt. of bar iron turns it into good blistered steel, weight for weight.

The making of all kinds of screws for paper mills, clothiers, and etc., is carried on to advantage, and New York, Connecticut, etc., have been supplied with them. The making of cold nails, from card tacks to shingle nails, and some up to 10 p's is largely carried on. Ten penny nails and downward are made so cheap and plenty as to prevent their importation from our neighbor States, who furnish hot-made nails in plenty. The cotton and woolen card making is well-perfected in this town, and many are made in every part, from the leather, tanning, making the backs, the engines for cutting the wire (except the wire is imported from England and Germany), and bending the teeth fit to set, which is done with amazing facility by an engine that cuts and bends 800 or upwards in one minute, by a lad turning a crank by hand, and easy work, save the quickness of his motion must be wearisome when such numbers are turned out. The machines for pricking the leather are improved in the neighborhood. The setting is by children and the business is a neat, useful manufactory.

"We have two paper mills that do much business. They make some good writing paper, press paper, bonnet paper, sheathing and etc., etc. We have hand and water mills for ginning cotton, of which much has been done since the Southern States have raised that article. But they raise it so badly by mixing ripe and unripe, good and bad, clean and unclean together that renders it useless in general for machines, tho' it answers a good purpose for hand spinning.

"We have in this neighborhood increased in fulling mills, upwards of a dozen of which are working in our county. I intended an account of the amount of cloth made in this town, which our Mechanical Society is collecting, but have not yet, I believe, completed it. The goods made by Almy & Brown's factory of all cotton and cotton and linen, tho'



chiefly the former, for the last 12 months is about 780 yards a month of velvets, thicksets, corduroys, fancy goods, royal ribs, denims, jeans, fustians, etc. The business is increasing, as they learn apprentices to weave, etc., and was it not for the effects of British manufacturers sending out agents, and selling on a long credit of 18 months, or depositing on commission their goods, to prevent the manufactory here, as well as promote their own, whereby ready pay as is required to pay workmen, etc., the country could soon be supplied. The warps for their goods are spun by water, upon Arkwright principles, from which mills yarn is furnished to other manufactories in this State and Connecticut, as well for stocking weaving as making cloth.

"We have many chocolate mills and snuff mills, which go by water, besides the usual mills for sawing, grinding, etc., by water, and the usual manufactures of hats, girt webs, saddle fringes, and the common mechanical and manufacturing business makes the principal on this subject.

"I may now mention that we have talked of a duck and twine manufactory, in addition to our rope, line &c., walks, of which we have three, but on hearing you at Newport had it in contemplation, some of us tho't it best to defer the matter till we heard further about you. I believe it would suit your situation, and prove more publicly useful with you than with us, as our poor of both sexes are, or may be, employed in the various branches of business carried on already, and yours, I understand, are not, and as your part of the State is well-calculated for raising flax a duck factory could be supplied. You have public lands near your poor house. The poor may be employed, if a house for spinning was erected. The filling may be spun all over the town, and many poor families might get their bread by the business, that may be now dependent on daily charities.

"Thy friend,

"Moses Brown."

Among the manuscripts of the Rhode Island Historical Society at Providence are certain memoranda, written on the backs of election tickets and lottery sheets, which show that salt works were operated during the Revolution—from 1776 to 1785—at Pawtuxet village, now a suburb of Providence.

The establishment doubtless owed its origin to the necessities of the people, whose supply of salt from its usual sources had been cut off by the war. The proprietors—Daniel Owen, Dr. Mason, Elisha Bowen, Jr., Samuel Clarke, Enoch Hopkins, John Wells, Elijah Hawkins, Amos Winsor, Nathaniel Phillips, Asahel Harris, Samuel Cole, Jonathan Hopkins's son Timothy, and William Page of Glocester, each paid £3 toward the enterprise, while Caleb Arnold is credited with an assessment of £4 1s., "part for a former sum." Whether the enterprise was a paying one, we are not informed. The promoters seem to have divided the salt between them, as the memoranda shows that

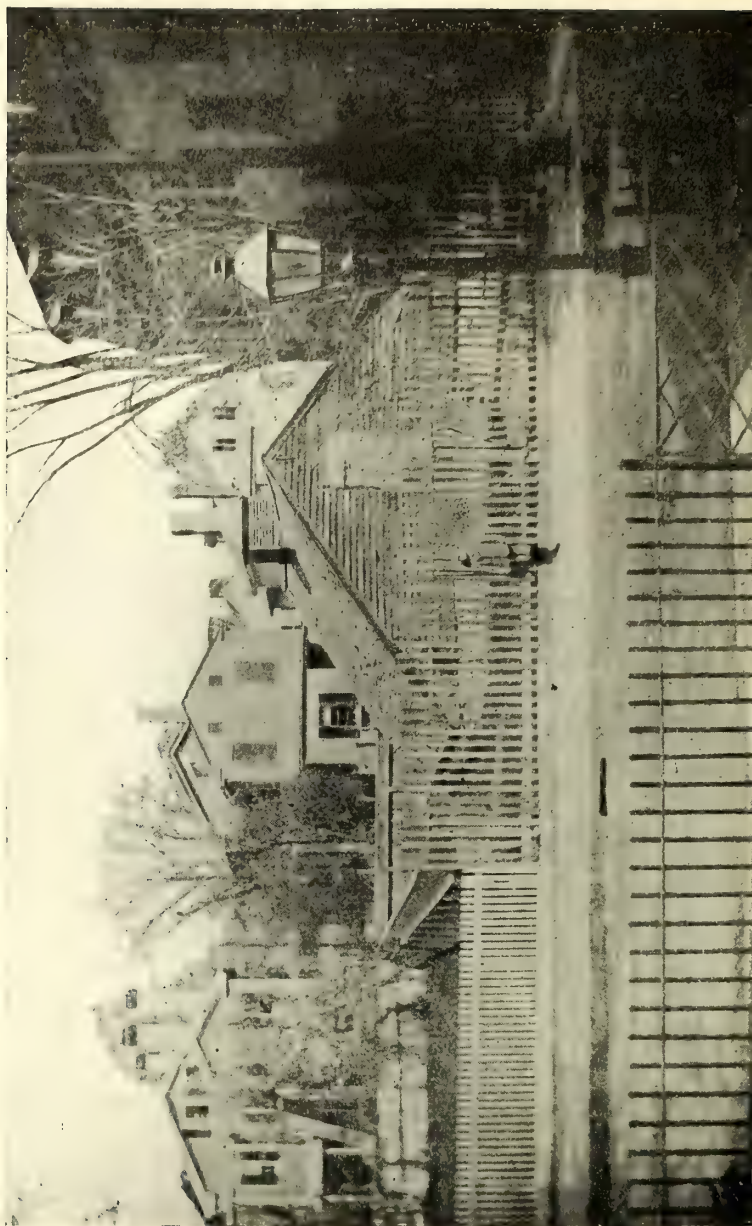
Esquire Williams is of opinion that Asahel Harris's share of the pan be allowed at 750 (pounds), at 18s. 6*d.* per hundred, or 6*£* 18s. 9*d.* This would be nearly four and a half cents a pound for what was probably a coarse and inferior article. Salt is now worth about a cent a pound by the hundred—coarse or fine.

An undertaking of considerable magnitude for the times was begun in 1772 at Providence, when a company was organized and a charter secured from the General Assembly for the purpose of supplying a portion of that town with water. On the west side of the river at what was known as Eddy's Point, shipyards and industries connected therewith had been established and many homes had been erected for the convenience of the workmen. Eddy's Point was formerly an island, and was connected with the mainland by an artificial embankment, and there was no source of water supply. On the land adjoining this point belonging to Capt. John Field, was a large and permanent spring of water; this spring was located at a point on Clifford street, a short distance south of Chestnut street. Here a fountain or reservoir was constructed from which pipes made from logs were laid to the Eddy's Point district. Capt. Field generously donated one-half of the land with the water privileges to the company for a period of nine hundred and ninety-nine years. The work of introducing this system was completed in four months, and in a letter of thanks, addressed to Capt. Field on the 26th of August, the committee in charge of the undertaking wrote: "We are supplied with fresh water in a more convenient manner than any of the inhabitants of the colony; and, to use the language of Scripture, our situation was, before, pleasant, though our waters were naught; but, now, through your bounty and beneficence, we have at command a spring shut up, or fountain, opened at pleasure." It is stated that this aqueduct was capable of supplying one hundred gallons per minute.

#### EARLY CLOTH MAKING—COTTON MANUFACTURE.

Up to about a century ago, Rhode Island was essentially an agricultural and commercial State. Its manufactures, such as they were, were almost entirely for home consumption, and were largely the result of muscular expenditure. The State's prosperity as a manufacturing centre is owing in great degree to the adoption of the factory system, resulting from the invention of labor-saving machinery, by means of which water and steam power is made to take the place of muscular energy, and the rapidity of manufacture is greatly increased.

A factory has been defined as "an establishment where several workmen are collected for the purpose of obtaining greater and cheaper conveniences for labor than they could procure individually at their homes; for producing results by their combined efforts which they could not accomplish separately; and to prevent the loss occasioned



FIELD FOUNTAIN, CLIFFORD STREET, PROVIDENCE.

ESTABLISHED IN 1772 FOR THE PURPOSE OF SUPPLYING A PORTION OF THE TOWN WITH WATER. BUILDING DEMOLISHED IN 1900.



by carrying articles from place to place during the several processes necessary to complete their manufacture." The factory is, therefore, in broad terms an association of separate occupations conducted in one establishment. In its practical results it has relieved housewives of much of the burden which formerly devolved upon them of carding and weaving the cloth and making the clothes for their families. Prior to 1767 all yarn used in the manufacture of textiles of all kinds was spun in single threads by the fingers of the spinners upon the domestic spinning wheel. The process of spinning and weaving was generally performed in the same cottage, the weaver continually pressing upon the spinner for a supply of weft or warp, but the weaver's own family could not respond with a sufficient quantity, and he had much difficulty in collecting it from neighboring spinners. As the supply did not equal the demand, the spinner often put up the price of the yarn. While much of the weaving was done by the housewife for her own family, professional weavers were always in evidence. They went from house to house, or they set up weave shops at some central point.

The Early Records of Providence contain many references to weavers. In January, 1704, the town granted William Smith, weaver, a piece of land forty feet square, "to build a weaver's shop upon, he being desirous to follow his weaver's trade." William was a son of the John Smith to whom the town gave a grant of land, near Charles street, Providence, in 1646, in consideration of his starting a grist-mill. The Records show that Joseph Smith, weaver, another son of the miller, was granted three acres of land near Wanskuck, in the right of his deceased father, in December, 1700. And even earlier—in 1674—two residents of "Maushantatuch," in the town of Providence—Edward Sairle and Anna Sairle, respectively the step-father and mother of Moses Lippitt—indentured the latter "for fifteen years and a half and two months" to William Austin, to learn the trade and occupation of a weaver. The weaver must have been one of the earliest of the colony's handicraftsmen.

Fulling mills for the fulling of the weavers' webs were in operation at quite an early date. The Providence records show that the town was called upon in the year 1700 to settle a misunderstanding between Daniel Williams and William Hawkins, who had built and carried on a fulling mill in town for some time.

Prior to the Revolution the cloth made in this country was chiefly produced from wool, silk, flax and hemp. A little cotton was raised in the Southern States, but the difficulty of separating the seed from the fibre, which was done by hand at the rate of about a pound of cotton a day, prevented its general use. At the time of the non-importation movement, just prior to the war, attempts were made to encourage

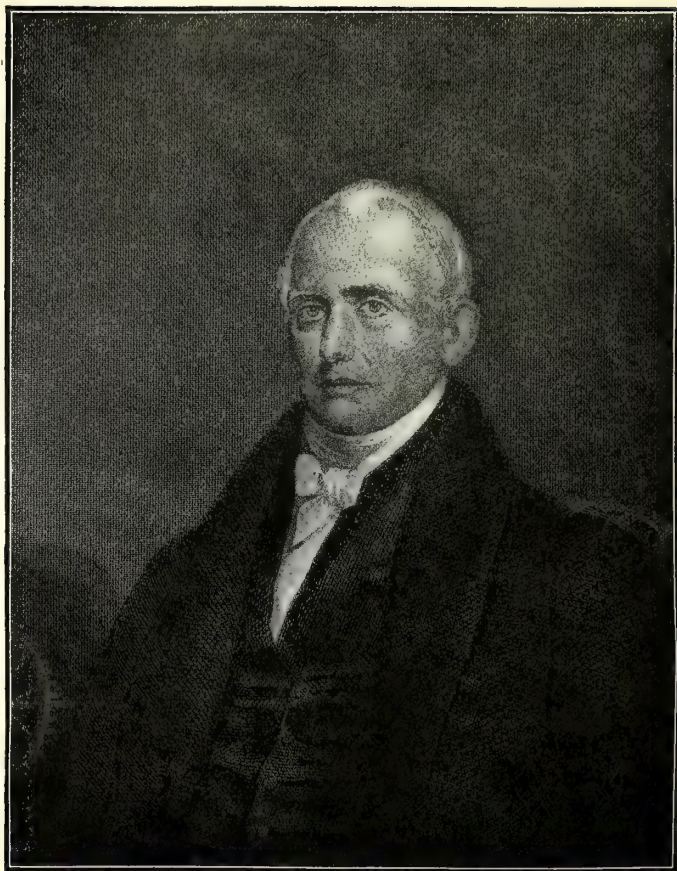
domestic manufacture in most of the colonies. Arnold's History relates how eighteen young ladies of Providence, belonging to an organization known as the "Daughters of Liberty," met by invitation at the house of Ezekiel Bowen and spun linen from sunrise till sunset to encourage home industry and assist in securing the industrial independence of the colonies. Their organization increased so rapidly in numbers that they held their next meeting in the Old State House, on North Main street, where they assembled to weave a handsome web of linen to be given as a prize to the farmer who would raise the most flax that season. It is worthy of note that the General Assembly had previously attempted to encourage the production of flax and hemp and wool growing, and the manufacture of these staples into cloth by offering premiums equal to one-third the value of the finished product. An act to this effect was passed at the March session in 1751, but was repealed in the following June, because the legislators feared the offering of a bounty on colonial manufactures would rouse the anger of the mother country, and because previous offers of premiums for the raising of flax and hemp had produced no result.

Previous to the introduction of the spinning frame in New England, cotton, carded and spun by hand, had only been used for filling, with linen or woollen warp. The cotton yarn produced by hand spinning was not considered strong enough for warp. An imperfect spinning jenny was smuggled over from England just previous to the Revolution, and was set up in Philadelphia. Hargreaves had invented a carding machine, to take the place of hand cards, in 1760, and his spinning jenny in 1764; Arkwright erected his first spinning frame in 1769; an improved mule jenny was produced by Crompton in 1775; the power loom by Cartwright in 1784; the adaptation of the steam engine to the spinning and carding of cotton was made by Watt at Manchester in 1783; cylinder printing was invented by Bell in 1785; and the use of acid in bleaching was introduced at Glasgow by Watt in 1786 and at Manchester in 1788. All of these inventions were jealously guarded by the British government, and the exportation of any of the machines was forbidden under heavy penalties. All efforts during the Revolution and for a half dozen years after its close to engage in cotton manufacture were, therefore, seriously handicapped. A spinning jenny of the Hargreaves model had, however, been smuggled across in the early seventies, and had been set up in Philadelphia. One or two other spinning and carding machines were probably imported soon after the close of the Revolution, and three carding, roving and spinning machines were made at East Bridgewater, Massachusetts, in 1786, by two Scotch mechanics, who had obtained some knowledge of cotton machinery before coming to this country. Attempts at the manufacture of cottons by the use of machinery were thus enabled to be made at Philadelphia, and at Worcester and Beverly, Massachu-

setts, but the honor of successfully inaugurating the factory system of manufacture belongs to Rhode Island.

A model and descriptions of an imperfect form of an Arkwright machine were brought over from England, in 1785, by Thomas Somers, and, at the instance of the Massachusetts legislature, were placed on exhibition for the inspection of manufacturers. Several of the latter, and among them Moses Brown and Daniel Anthony of Providence, and John Reynolds, a woolen manufacturer of East Greenwich, availed themselves of the privilege of inspecting the models. Anthony, who had made hand cards during the Revolution, and had made an engagement with Andrew Dexter and Lewis Peck to make jeans and other homespun cloth of linen warp and cotton filling, to be spun by hand, made a draught of the machine. After obtaining this draught Mr. Anthony, in 1787, had a spinning jenny of twenty-eight spindles built on the model of the one in use at Beverly. The wood work was made by his son Robert, and the brass work by Daniel Jackson, a coppersmith of Providence. It was set up at first in a private house, but was soon removed to an upper room in the market house, where it was operated. A carding machine was also made for him by Joshua Lindley of Providence, from patterns of the one at Beverly. The rolls, eighteen inches long, were roped on a hand wheel, as in wool carding. A spinning frame, with eight heads of four spindles each, operated by a crank, turned by hand, was next built from the draught taken by Mr. Anthony of the Massachusetts machine. John Bailey, a clockmaker of Providence, assisted in its construction. In 1788 Joseph Alexander and James McKerries, weavers, who had emigrated from Scotland, and understood the use of the fly-shuttle, came to Providence to weave corduroy. McKerries went to East Greenwich, but Alexander superintended the construction of a loom with a fly-shuttle, which was set up and put in operation in the market-house. This is believed to have been the first fly-shuttle ever used in America. As the making of corduroy was not fully understood by Alexander, the enterprise proved a failure. He removed to Philadelphia, and the spinning frame, which was too heavy to run by hand, was sold to Moses Brown, who removed it to Pawtucket and attached it to a water wheel. Mr. Brown also purchased the carding machine and jenny, an additional spinning frame, made from the Massachusetts model and unsuccessfully tried at East Greenwich, and a stocking-loom from John Fullem, an Irish stocking-weaver, who had also made a failure at East Greenwich. The spinning frames, which were of imperfect construction, could not be successfully worked by unskilled hands, and were soon laid aside. These two unused Arkwright machines, one of thirty-two and the other of twenty-four spindles, a carding machine, an eighty-four and a sixty spinning jenny, and a doubling and twisting jenny, constituted the principal machinery of Almy & Brown at Pawtucket,





SAMUEL SLATER.  
THE FOUNDER OF THE COTTON INDUSTRY OF THE  
UNITED STATES.

when Samuel Slater arrived. It may be of interest to know that one of these spinning jennies, built by Andrew Dexter, cost Mr. Brown, in 1789, £24 4s. 10*d.*; and that he paid Dexter and Lewis Peck, in 1790, £139 15s. for a jenny and a carding and spinning frame. These two ironworkers also appear to have made a machine for calendering goods about this time. It was put up in Mr. Brown's barn, and was worked by a horse. One of the jennies purchased by Mr. Brown had been operated about two years at Newport by Joseph Anthony, son of Daniel Anthony, previously mentioned.

Practically the machines were a failure, but Mr. Brown did not despair. Receiving in December, 1789, a letter from Samuel Slater, a young man who had had several years' experience as a clerk and overseer in a cotton mill in Derbyshire, England, and who had just arrived at New York, claiming that he could make spinning machinery, Mr. Brown invited him to come on to Providence, and made him liberal offers if he was able to do as he claimed. Slater came on and entered into an arrangement with Messrs. Almy & Brown, by the terms of which he was to build a series of Arkwright machines and was to receive one-half of the profits resulting from their use. The machines were built, and on December 20, 1790, he started three cards, drawing and roving frames, and two frames of seventy-two spindles, which were worked in an old clothiers' building by an old fulling-mill wheel. They were worked there twenty months and turned out more yarn during the time than the company could either weave or sell. In 1793 the three partners built a small factory in which they set up their machinery and carried on an increasing and profitable business. Thus was started the first successful cotton factory in the State, and in America as well.

During this time experiments were made in cotton spinning in other sections of the country; but the goods turned out, when not pure woolen or linen were mixed goods of linen and cotton, the warp for which was spun from rolls prepared by hand cards in dwelling houses. When goods wholly of cotton were desired the warp was obtained from Almy & Brown, as the jenny was not adapted to hard twist. No sheetings, shirtings, checks or gingham were made prior to 1790.

The cards for the Slater carding machines were made by Pliny Earle of Leicester, Massachusetts. The rest of the machinery was constructed by Slater and Sylvanus Brown of Pawtucket. They worked in secret in an old building on Quaker lane, Samuel making the lines with chalk, and Sylvanus carving wooden models. Samuel was a stalwart, handsome, rosy-cheeked youth of twenty-one when he came to America. Moses Brown sent him to Oziel Wilkinson's, in Pawtucket, as a suitable place for him to board. When he entered Wilkinson's house Hannah and another of Oziel's daughters were working in the kitchen. Seeing a stranger, girl-like; they fled to an

inner room; but Hannah, with maidenly curiosity, looked through a hole in the door and was favorably impressed with the young Englishman's appearance. Samuel saw the eyes and resolved to win them. The young people were both smitten, but the Wilkinsons were Friends and did not approve of Hannah's marrying a man of another faith. They proposed to send her away to school, but Samuel declared he would follow the girl to the ends of the earth if need be. The parents wisely concluded to withdraw their opposition and the lovers were allowed to marry. In the words of Slater's biographer, Hannah was a "loadstone" that kept him in Pawtucket. Had it not been for her influence and sympathy, he might have given away to discouragement at the many difficulties he was obliged to encounter in making the new machines and running them successfully. In telling the story of Slater we must not forget the woman who assisted him in winning his great success.

The machines are supposed to have been started up temporarily in October, 1790, but the first record of their work commences with December 20, 1790. The following memoranda, preserved among the voluminous papers left by Moses Brown, showed the improvement made by the new machines over former methods, as well as the styles of cotton goods then made, and the prices obtained for them:

"An account of the cotton goods manufactured by Almy & Brown of Providence, State of Rhode Island, since the commencement of the business, say about the 11th of 6th month (June 11), 1789, to the 1st of the 1st month (January 1), 1791:

Corduroy .....	45 pieces.	1,090 yds.	sold from	3s. 6d.	to 4s.	per yd.
Royal Ribs, Denims &c.	25 "	558 "	"	3s.	4s.	" "
Cottonets .....	13 "	324 "	"	2s. 6d.	3s.	" "
Jeans .....	79 "	1,897 "	"	2s.	2s. 6d.	" "
Fustians .....	26 "	687 "	"	1s. 8d.	2s.	" "
Total .....	188 "	4,556 yds.				

"From the 1st day of the 1st month (January 1), 1791, to the present date (October 15th, 1791):

Velverets .....	30 pieces.	669 yds.	sold from	4s.	to 4s. 4d.	per yd.
Thicksets .....	30 "	745 "	"	3s. 6d.	4s.	" "
Corduroy .....	45 "	1,001 "	"	3s. 6d.	4s.	" "
Fancy Cords .....	26 "	664 "	"	3s. 6d.	4s.	" "
Royal Ribs, Denims &c.	55 "	1,284 "	"	3s.	4s.	" "
Jeans .....	74 "	1,769 "	"	2s.	2s. 6d.	" "
Fustians .....	66 "	1,691 "	"	1s. 8d.	2s.	" "
Total .....	326 "	7,823 yds."				

Under the old system it had taken over eighteen and a half months to produce 4,556 yards, while 7,823 yards had been turned out with the new machinery in nine and a half months. It should be understood that the goods were woven by hand in both cases, and that the



improvement was mainly in carding and spinning. It is to be inferred from these memoranda that the firm attempted at first to weave the yarn as fast as it was spun, and that the weavers were not able to keep up with the spinning frames. In fact, the manufacturers could not dispose of all the yarn to other mills, although they were for some time the only firm in the country which could produce cotton yarn with a hard twist suitable for warp. The unsalable yarn accumulated so fast that Moses Brown, who furnished the capital upon which the firm was doing business, became alarmed. When the unsold stock reached 500 pounds, the prudent old Quaker wrote to the firm: "Thee must shut down thy gates, or thee will spin up all my farms into cotton yarn."

About 1790 one Herman Vandausen, a German, began calico printing at East Greenwich. He cut his own blocks and printed India cottons and the coarse cottons woven in families for the people generally. This was the first print-works in the country, but the business did not prove profitable, owing to the abundance and cheapness of English and Indian cotton goods. Some of Vandausen's blocks and samples of the goods printed from them are preserved in the Rhode Island Historical Society building at Providence.

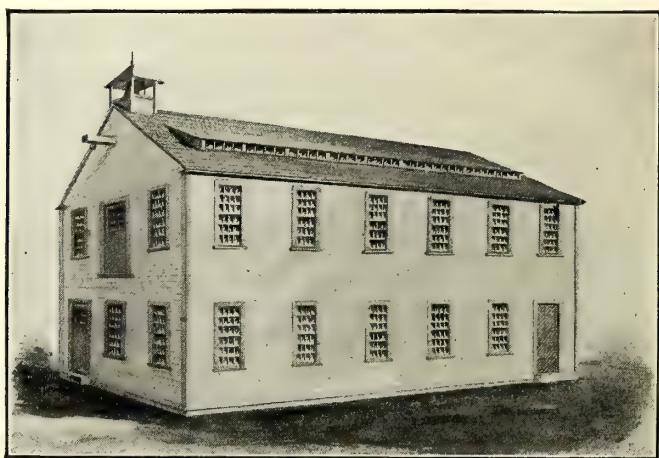
Another impediment to the successful operation of the new cotton factories, besides the competition of foreign cottons, was the great quantities of textile goods produced throughout the country by household manufacture, a result due to the efforts made, especially during the Revolution, by the patriotic societies to make the feeble colonies industrially, as well as politically, independent of England. In nearly all of the States there had been a great increase in both the quantity and quality of household goods. Bishop states that in 1790 in Providence and vicinity, 30,000 yards of woolen cloth were made, and in 1791, 25,265 yards of linen, 5,895 of cotton, 3,165 of woolen, 512 of carpeting, 4,093 pairs of stockings, 859 pairs of gloves, and 263 yards of fringe were made, all of which were household fabrics.

One great impediment to success at the beginning of the factory system in this country, was the want of skilled artisans. It required experience to work the new machinery to the best advantage, and when a skilled workman came over from Great Britain, he could command the highest wages. The first operatives of the Slater mill appear to have been local residents. It began with four spinners and carders whose names were Charles and Torpen Arnold, Smith Wilkinson and Jabez Jenks, to whom were soon after added Ann and Eunice Arnold, John and Varnus Jenks and Otis Barrows. They were all children from seven to twelve years of age, and they worked the full time of six days, and doubtless at least twelve hours each day.

The building in which the Slater machines were put in operation was inadequate to the increasing business of the firm, and a new one

was erected in 1793. It is still standing, and is known as the "Old Slater Mill."

Cotton manufacture was begun in America before American cotton could be procured to supply the mills. Southern planters were experimenting with it, but it was imperfectly cleaned and was considered of inferior quality. The cotton used in home manufacture throughout the Northern States was obtained from the West Indies or from the Guianas, while the British mills were largely supplied from Brazil. The New England ship owners would send cargoes of fish, flour, rum or other commodities to the West Indies in exchange for the latter's goods, of which cotton was a leading article of export. When Slater first began to spin he used Cayenne and Surinam cotton, but after a



OLD SLATER MILL, PAWTUCKET.

As it appeared in 1793.

few years he began to mix about one-third of Southern cotton; and this yarn was designated as second quality and sold at a price accordingly. In 1791 Moses Brown stated in a letter to J. S. Dexter, that Slater could not be induced to use American cotton because it had been so badly cleaned. After Eli Whitney's invention of the cotton gin in 1793, cotton soon became a profitable crop at the South, and it, especially the Sea Island variety, soon began to displace foreign cotton in the domestic mills, while the market for it abroad continually increased. The price of domestic cotton at the port of export, in 1791, was twenty-six cents a pound.

The first calico printing in the State to be put in successful operation was commenced at Providence in 1794 by Messrs. Schaub, Tissot & Dubosque, in a chocolate mill on the site afterward and now occu-

pied by the Franklin Machine Company. Mr. Dubosque, who was formerly in the French navy, had learned the art in Alsace, before entering the navy. The cottons used were imported from Calcutta. The printing was done by wooden blocks, and the calendering by friction on a hard substance with flint stone—metal rollers then being unknown. A calendering machine had been put in operation in Providence in 1790.

The first sewing thread ever made of cotton was produced by Samuel Slater in 1793. It appears that Mrs. Slater, noticing the smooth and even appearance of some yarn spun from Surinam cotton, became impressed with the idea that it would make good thread. With the aid of her sister, she twisted some of it on an ordinary spinning wheel, making No. 20 two-ply thread. On testing it with linen thread in making seams, the cotton thread proved the stronger. The introduction of cotton stocking yarn in America is also ascribed to Mr. Slater. The prices for cotton twist yarn at Providence in 1794 were, for numbers 12, 16 and 20, respectively, 88 cents, \$1.04 and \$1.21.

The second cotton mill in the State was established at Centreville, in the town of Warwick, in 1794 by Colonel Job Greene and others, but it was not fully successful until 1799, when William Almy and Obadiah Brown purchased one-half of the property for \$2,500. In 1801 Messrs. Almy & Brown bought the other half and took full control.

According to tradition, after Messrs. Brown & Almy had purchased an interest in the mill, Brown and John Allen, one of the other owners, went to Pawtucket to look over the Slater mill, "to observe how things went and get some useful hints." Slater, who had no interest in the Centreville mill, was little pleased at having Allen spying around, and when the latter attempted to measure some of the machines, he ordered him to desist, and threatened to throw him out of the window. But as Obadiah was a partner of both Slater and himself, and stood looking on, he paid no heed to the threat. Finally Slater laid violent hands upon him. Obadiah then took the measure, saying, "I will finish thy work, and I will see if Samuel will serve me as he did thee." Samuel did not feel like attacking his own partner, and the measurements enabled the Centreville partners to equip their mill with better machinery. In 1807 a second mill was erected by them on the east side of the river (Flat River, or the South Branch of the Pawtuxet). The original Green mill was purchased in 1852 by the late Benedict Lapham. A large stone mill erected by him just before his death (1883) was declared at the time to be the largest cotton mill in the country owned by a single individual.<sup>1</sup>

In 1799 Samuel Slater severed his connection with the firm of Almy & Brown, and in company with his father-in-law, Oziel Wilkinson, and

<sup>1</sup> The accuracy of this claim is not vouched for.



his brothers-in-law, Timothy Greene and William Wilkinson, organized the firm of Samuel Slater & Company, Mr. Slater owning one-half of the stock. They erected a mill known as the "New Mill" on the Massachusetts side of the river, within the present limits of Pawtucket. Mr. Slater, however, still acted as superintendent of the old mill, dividing his time equally between the two, and receiving a salary of \$1.50 a day from each.

Soon after the new mill commenced running a strike occurred in it, and several of the hands left. They went to Cumberland and persuaded Elisha Waterman and Benjamin S. Walcott, who owned a fulling mill at Robin Hollow, to erect a mill for the manufacture of cotton. When the mill was finished and ready to start up—in 1801—the operatives marched by the Slater mill in a spirit of bravado, each with a bunch of cotton yarn wound around his hat. The Mathewson mill was rebuilt in 1824, was burned in 1850, again rebuilt, and burned again in 1860, after which it again rose from its ashes. It is now known as the Cumberland Mills.

In referring to the strike at the Slater mill, Slater's biographer says, "that by these men (the strikers) and their connections several factories were commenced in various parts of the country;" most of the establishments erected from 1790 to 1809 having in fact been built by men who had directly or indirectly derived their knowledge of the business from Pawtucket, the cradle of the cotton manufacture. Slater's patterns and models were stolen by his servants, his improvements thus became extended over the country and the business was rapidly introduced in other places.

In 1805 the third cotton mill in Pawtucket was erected on the east side of the river. The persons engaged in the enterprise were Ebenezer Tyler, 2d, Eliphalet Slack, Oliver Starkweather, Nathaniel Croade, Benjamin S. Walcott, John Walcott and Elijah Ingraham. The mill, which was of wood and painted yellow, was known for many years as the "yellow mill." It was finished and went into operation in the fall of 1805. Its business was remunerative, and its owners built another mill of stone in 1823. Another cotton mill was built in 1805 on a site at Central Falls known as the chocolate mills. Stephen Jenks, the projector of this last enterprise, took Benjamin S. Walcott and Elisha Waterman into partnership, and the firm was styled the Smithfield Cotton Manufacturing Company.

After Samuel Slater's mills had been in successful operation some years he sent to England for his younger brother John, who came over in 1803, and immediately entered into the employ of Almy, Brown & Slater. Being desirous of enlarging their business, John was sent to inspect certain water privileges up the Blackstone and its tributaries. He made several journeys on horseback, during one of which he discovered a point on Branch River where there was at one point a fall

of forty feet, with ponds above it forming natural reservoirs, and promising an ample supply of water at all seasons of the year. This was the site of the future Slatersville. Three purchases of land were made, comprising in all more than one hundred and fifty acres, controlling the stream and providing sites for mills and tenements. A partnership was formed by William Almy, Obadiah Brown, Samuel Slater and John Slater, under the style of Almy, Brown and Slaters, and a mill was built in 1806, beginning operations early in 1807.

A cotton mill was erected in the village of Anthony, in Coventry, in 1806, by Richard and William Anthony and others. It was one of the largest mills in the State at the time. Another mill was built in 1811, a short distance east of it. A large brick mill was erected by the Coventry Company in 1874, upon the site of the original mill. The manufacture of cotton goods was commenced at the village of Crompton, in Warwick, in 1807, by the Providence Manufacturing Company, which erected a stone mill known as the "stone jug." The mill now standing on that privilege is one of the largest in the State.<sup>1</sup>

A company was formed at Natick, in Warwick, in 1807 for the manufacture of cotton, and a mill was built known as the "Natick reel mill." It came into the possession of the Spragues in 1852, and after the failure of the great cotton manufacturing house was purchased by the present owners, who connected the detached buildings, and instituted many improvements, making the establishment one of the largest, if not the very largest cotton mill in the country. It contains 100,000 spindles. The cotton mill at Hope village, Scituate, was built in 1806, and a mill at Lippitt, in Warwick, was started in 1809; that at Phenix in 1810-11, and one at Riverpoint in the same town by the Greene Manufacturing Company in 1812. Several other cotton mills were built in the State before the last war with Great Britain. An old record, bearing the date of 1812, states that there were thirty-eight cotton mills in operation in the State at that date, containing in all 30,669 spindles. They were located as follows: Warwick 9, North Providence and Coventry 5 each, Cranston 4, Smithfield and Scituate 3 each, Johnston, Cumberland and Glocester 2 each, Providence, Exeter and South Kingstown 1 each. The mill of Almy, Brown & Slater was for many years, and probably up to the beginning of the War of 1812, the largest and best equipped cotton mill in the country. British operatives, knowing that skilled workmen could command high

<sup>1</sup>A story, the authenticity of which may be considered as not fully established, is told of a little yarn mill erected on a brook emptying into Flat River, near the Crompton mill, above described. There was but little water power at the best, and the mill was finally abandoned. But one day, while it was running, the machinery suddenly stopped. The operatives ran out of the mill to ascertain the reason, and discovered a cow drinking the water in the trench. When the animal had slaked her thirst, the trench filled and the wheel started again.

wages in America, emigrated to our shores in considerable numbers. Their first inquiry, on landing at Boston or New York, was regarding the facilities for reaching Pawtucket. The original cotton factory thus had the pick of expert help, and its owners were doubtless in constant receipt of inquiries from other mill owners who desired to engage factory hands. The quality of goods made at this mill in 1808 can be learned through an advertisement in Philadelphia, "that Samuel Slater and Company, cotton spinners of North Providence had on sale by Samuel Haydock, 38 South Second street, Philadelphia, cotton twist and filling, brown and bleached, three-threaded bleached yarn, numbers eight to forty, and bleached cotton sewing thread, numbers twenty to forty, also cheeks and stripes, and tickings of superfine and middling qualities."

According to the census statistics of 1810, the value of manufactured products in Rhode Island that year was \$3,079,556. The returns were imperfectly made and the figures are thought to have been too small.

The price of cotton twist at Providence in 1800 was: Number 12, \$1.03; number 16, \$1.19; number 20, \$1.36; an increase of fifteen cents upon the prices of 1794. In 1803 the prices for the three grades had fallen respectively to 94 cents, \$1.10 and \$1.26 per pound.

It should be understood that previous to 1817 the operations of the cotton factories in this State were confined to spinning yarn only. The yarn was put out in webs, and was woven by hand weavers. Mules for spinning filling had not yet been introduced. Although the power loom had been invented by Cartwright as far back as 1784, and had been improved by subsequent inventors previous to 1810, it was not extensively used even in England for some years. At all events, no power looms appear to have been brought to this country for more than a quarter of a century after their invention. As none could be obtained from England, the ingenuity of American inventors was taxed to produce an American power loom. Among those who labored to this end were Judge Daniel Lyman and John Thorp of Providence, and Mr. F. C. Lowell of Boston. The latter patented a machine which was set up in the Waltham cotton factory in 1815. That year William Gilmour of Glasgow, Scotland, landed at Boston, bringing with him patterns of the power loom and dresser machine in use in that country. On invitation of John Slater he went to Smithfield, but as Mr. Slater could not obtain the consent of his partners to pay for the construction of an experimental loom, Gilmour accepted the invitation of Judge Lyman to remove to North Providence, where he built twelve looms, in 1816, for the Lymanville mill at North Providence. Afterwards, for the sum of ten dollars, he allowed David Wilkinson & Company the use of his patterns for building twelve other looms, and they got their dozen looms started almost as soon as those built by Gilmour.

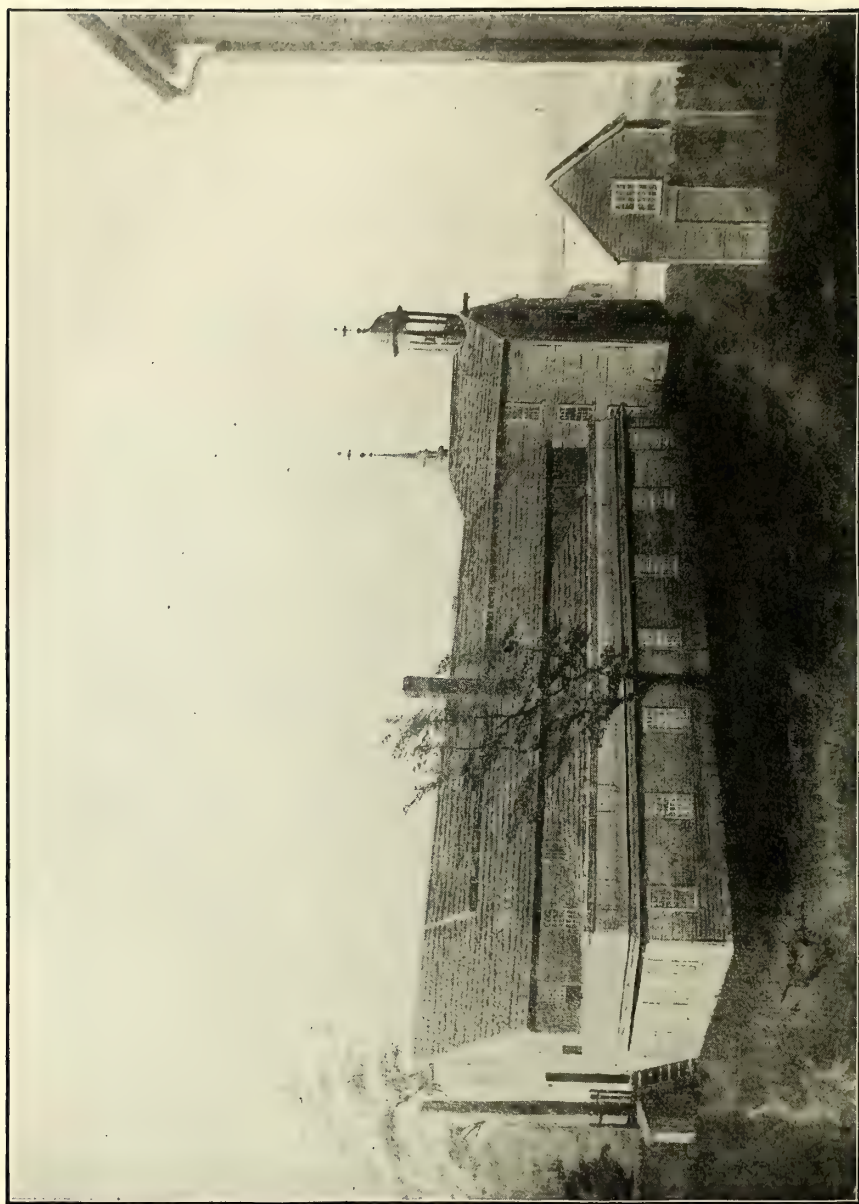


This power loom was put in operation early in 1817, two years after the American loom had been put to running at Waltham. The inventions and improvements in the machinery at Waltham having been patented, including the loom, the double speeder, warper, dressing-frame and filling-frame, and the right to the use of these patents being held at a high price, most of the mills already built in Rhode Island adopted the crank-loom made by Gilmour—otherwise called the Scotch loom—and introduced various plans in the process of making the roving, instead of using the patented speeder. Among them was the tube-speeder, invented by Danforth, and which was afterwards introduced to a considerable extent in Great Britain.

The introduction of the power loom completed the manufacturing system of the State. The mills could now individually employ all the various processes from the receipt of the raw cotton to the production of the finished web.

As previously stated, prior to 1817 the cotton factories of the State only produced yarn. In the days of hand spinning the spinners had not been able to keep up with the weavers, and the latter were frequently idle because of the want of yarn. After the introduction of mule spinning the hand-loomers were fully employed, and yarn accumulated, waiting for the weavers. The Slater factory at Pawtucket, for many years the largest cotton factory in the country, was obliged to establish agencies in different cities, from Portsmouth, New Hampshire, to Baltimore, Maryland, for the disposal of its yarn.

The early customs duties upon cotton goods had but little effect in protecting the domestic product from foreign competition. They were but ten per cent. at first, but were raised to twelve and a half per cent. by an amendment of the existing tariff in 1797. While these duties doubtless helped the infant manufactures to take root, the chief impediment to their successful establishment was the lack of sufficient capital, the want of good machinery and the lack of skilled help. Still, mills multiplied very rapidly during the last half-dozen years previous to the outbreak of the War of 1812. That war, while it prevented to a great extent the export of our breadstuffs and cotton to foreign takers, effectually shut out British textiles and other foreign importations, and thus insured the American manufacturer the monopoly of the home market, at a time when that market was stimulated by a suddenly created demand for food, clothing and the other appurtenances of war to supply large armies. Prices went up with a rush and manufactured articles sold readily at advanced figures. Hence the war, which lasted three years, was of great aid to the American manufacturer. But when the Americans and British ceased shooting at each other, an industrial war began. Great quantities of foreign textiles and other goods were rushed across the ocean and exposed for



OLD SLATER MILL, PAWTUCKET.  
AS IT APPEARED IN 1850. FROM A PAINTING IN THE ROOMS OF THE PAWTUCKET BUSINESS MEN'S ASSOCIATION.

sale at low prices and long credits. Mills were shut down generally for a brief period and Congress was appealed to for relief.

The enormous importations of coarse cottons and cheap calicoes from India was believed to be largely responsible for the condition of our cotton mills, and the mill owners of Massachusetts and Rhode Island united in sending a giant petition to Congress, asking for a prohibitory tariff on coarse cotton fabrics—especially those from beyond the Cape of Good Hope—and increased duties on others. An assessment of one cent on each spindle was made in 1815, to pay the expense of an agent to proceed to Washington and advocate the interests of the cotton manufacturers of Massachusetts and Rhode Island, and Hon. James Burrill was employed as such agent. Mr. John Waterman, in collecting the assessment and statistics, found the number of cotton mills “in and near Providence” to be as follows: In Rhode Island, ninety-nine mills, with 75,678 spindles; in Massachusetts, fifty-seven mills, 45,650 spindles; in Connecticut, fourteen mills, 12,886 spindles; total one hundred and seventy cotton mills and 134,214 spindles. About one-third of the cotton manufacturing of the country was done in these mills.

Congress finally, in 1816, decided upon an ad valorem duty of twenty-five per cent. upon cotton and woolen goods.

The immediate effect of the new tariff (which increased the duties generally, and which was the first really protective tariff) was to replenish the national treasury. The tariff bill was approved February 27, 1816, but the receipts from customs that year were more than double the entire receipts of the country, exclusive of loans, on any previous year. The exclusion of foreign products was defeated by the general advance in prices of the products of agriculture and manufacture. Raw cotton and tobacco more than doubled in price, and flour went up from \$9.50 a barrel in 1814 to \$14 in 1817. The exports of domestic products increased more than 50 per cent. in value in one year. The increase in the purchasing power of the farmers and those engaged in commerce, together with the adoption of the power loom by textile manufacturers, insured the latter a brief period of prosperity. Unfortunately it was of short duration. The British excluded American flour from their ports after November, 1817, and the increased importation of East Indian and Brazilian cotton into England forced down the price of the American product. Bishop, in commenting upon the situation in 1819, says: “Flour had also fallen off from its high price of ten to fifteen dollars a barrel in 1817 to five or six in the present year, in domestic ports; and tobacco from \$148 in 1817 to \$110 this year, and \$75 in 1822.” A like depreciation in other crops greatly diminished the power of a large portion of the population to purchase manufactures. A general paralysis now fell upon all branches of industry. “The distress became more general and



severe than had ever been known and but little alleviation was experienced for several years following. The banks suffered from lack of specie. Bankruptcies overtook the mercantile and shipping interests, whose merchandise lay on their hands, and whose ships could neither be employed nor sold save at ruinous losses. Rents and the value of real estate were enormously depreciated. Farms were mortgaged or sold at one-half or one-third their value. Factories and workshops were everywhere closed. Manufacturers were forced to abandon extensive and flourishing establishments, reared as if by magic in the last few years. . . . The suffering among manufacturers was more severe in Rhode Island, New York and Pennsylvania than elsewhere. The number of persons thrown out of employment since peace was variously estimated at from forty to sixty thousand, and with their families the number deprived of support was computed at from one hundred and sixty to two hundred and forty thousand." Many mills were put under the hammer and disposed of at a fraction of their original cost, and some establishments were permanently closed. The distress was generally imputed, especially in manufacturing districts, to the great importations of foreign goods, and Congress was importuned to increase the protective duties. Strong opposition was shown in Congress and elsewhere to an advance of tariff rates for several sessions. The cotton growers of the South and other agriculturalists, and the commercial interests were strongly opposed to an increase.

It is notable that during the debates Henry Clay, then speaker of the House, and at that time a pronounced Republican (Democrat), was an enthusiastic advocate of further protection, while Daniel Webster, of Federal antecedents, and from Massachusetts, was determinedly opposed to a higher tariff. Judge (Job) Durfee, a Congressman from this State in 1823, was also a stalwart opponent of further protection. A new tariff bill was finally passed and approved in May, 1824. The only change in the duties upon cottons was an increase of the minimum valuation from 25 to 35 cents the square yard, in order to protect fabrics of finer grades than the three lower grades, upon the importation of which the previous tariff was practically prohibitive. Many mills had been started, however, during the interval between the close of the war and the going into operation of the tariff of 1824.

From returns made by the secretary of state in 1824, in obedience to a resolution of the Senate, it is found that the value of dutiable articles manufactured annually in Rhode Island was \$878,558. The returns of the census of 1820 showed that there were then 63,372 cotton spindles in the mills of the State, more than one-fourth of the number in the whole country, and nearly twice as many as were operated in any other single State. The fact is recorded that when President Munroe was inaugurated for his first term, in 1817, "following the example of

his predecessor, the President wore for the occasion a suit of American cloth from a Pawtucket manufactory."

In 1826 there were 110 cotton factories in the State. Pawtucket was then the fifth village in New England in cotton manufacturing, while Slaterville was eighth, and Pawtuxet—a village on both the Cranston and Warwick sides of the Pawtuxet River—the tenth. About one-third of the mills now had power looms, and a third hand looms, while the remainder spun yarn and twist for the Western States where, as in Philadelphia, it was woven by hand under contract, or in families. Calico printing was now carried on in Pawtucket.<sup>1</sup> The price of cotton machinery, which was worth in 1810 three or four hundred per cent. more here than in England, could be obtained now at prices only about fifty per cent. in advance of their cost in England.

Cotton mills had many ups and downs during the twenties, but their number continued to increase in this State. In 1829 there were one hundred and thirty nine within its small area, twenty of them being in Warwick, and twenty in Smithfield, which then included the present town of that name, a portion of the present city of Woonsocket, the towns of North Smithfield and Lincoln and the city of Central Falls. In 1826 a lace dress made in Pawtucket, which had taken a premium of ten dollars at the State Fair, was purchased by President Adams. A lace school about that time in Newport, according to Bishop, "employed five hundred young women."

The question of the further protection of American industries was hotly debated at every session of Congress, and the New England members, as manufactures increased among their constituents, ranged themselves on the side of protection, and one of the warmest and most effective supporters in the House of a new schedule of duties, adopted in 1828, was the famous Tristram Burges of Rhode Island. The duties on cotton bagging by this new tariff were raised from three and a half to four and a half cents on the square yard and after June 29, 1829, to five cents. Under the encouragement thus given the making of cotton bagging became profitable. In 1830 a good quality of it was made in Providence from factory waste. It was strong and heavy, weighing one and three-quarters pounds to the yard, or a quarter pound more than the best hemp bagging, and was sold at eighteen cents a yard.

The change in the tariff did not give the degree of relief that was expected by its advocates. Mills which still adhered to old methods found it difficult to keep running, nor were the best equipped and most

<sup>1</sup> Calico printing was begun on the site of the Dunnell Manufacturing Company at Pawtucket in 1824; William Sprague commenced block printing at Cranston Print Works in 1825; Philip Allen started the Allen Print Works at Providence in 1830; and printing was begun in the Clyde Print Works at Warwick by Greene and Pike about 1833.

wisely managed factories always able to run at a profit. Bishop says: "The Boston Daily Advertiser of the 2d March (1829), gave the names of twelve cotton factories destroyed by fire within one hundred and fifty miles of that city, since the first of January. . . . An unusual degree of distress prevailed at this time among the manufacturers of New England, particularly in the cotton branch, producing numerous failures and great depreciation in the value of stocks." A careful examination of the Providence Manufacturers' and Farmers' Journal of that period shows that only one Rhode Island cotton factory—that of the Jenks mill at Central Falls—was burned during the period specified. As this mill had no insurance whatever, the implication of fraud contained in the above quotation does not apply to Rhode Island manufacturers.

It appears from statistics compiled under the auspices of a National Tariff Convention in 1832, there were 116 cotton mills in the State, with a capital of \$6,262,340. They used 10,415,578 pounds of domestic cotton, which was spun into 9,271,481 pounds of yarn, and woven into 37,121,681 yards of cloth, which sold at an average of ten cents a yard. The cotton industry gave employment to 8,500 persons, of whom 1,731 were men, 3,297 women and 3,472 children. Their wages amounted to \$1,177,527 annually, of which sum they were believed to save five per cent. on the average. Mills having in the aggregate 141,000 spindles, used anthracite coal for heating purposes, while wood was burned by mills with 95,000 spindles. In addition to the regular cotton mills there were five bleacheries employing 300 persons—two-thirds men and one-third boys and women. There were also two print works employing 186 persons. The bleacheries paid \$69,500 in wages and the print works \$40,000. There were 1,246,000 cotton spindles in the whole country at that time, and Rhode Island with 235,000 stood second, Massachusetts being first with 330,000 spindles.

In answer to certain questions propounded by Samuel Slater regarding cotton manufacturing, in pursuance of a resolution of Congress, John Whipple, who, in company with Ephraim Talbot, was running the Hope mill in the town of Scituate, claimed that there was no money in cotton manufacturing. In the whole period since 1790, only four men in the State had become rich in the business. He cited the Hope mill as an instance of the condition of cotton manufacturing. Up to 1821, when they sold to Whipple and his partner, the original proprietors of the mill had expended \$85,000 for building, machinery and repairs. Simple interest on this sum would amount to over \$70,000. They sold for \$21,000 and had only \$8,000 left after paying debts. This \$8,000, Whipple claimed, was all that the founders of the business had to show for the \$155,000 paid out. This testimony of Whipple's was quoted all over the country in tariff circles and was published with editorial comments in Niles's Register, a publication



of great influence in political and industrial circles. Anti-tariff people, however, belittled Whipple's testimony, and declared that it was impossible to determine the profit or loss of a mill unless its running expenses and the value of its products were considered. Tariff discussion during the twenties and thirties was carried on with great bitterness, some of the Southern opposers of the protective system even threatening secession. In 1832 a so-called compromise tariff involving a gradual reduction of rates for a series of years was adopted. The duties upon cotton bagging by this tariff were reduced to 3 1-2 cents on the square yard, and under the reduction system the 25 per cent. duty upon cotton cloth, yarn, twist, thread, etc., fell to 24 per cent. in 1836, 23 per cent. in 1841, and 21 1-2 per cent. on June 30, 1842.

While the cotton mills of Rhode Island had their prosperous and depressed periods under this compromise tariff, on the whole they appear to have been fairly remunerative during the thirties. The Lonsdale mills at Lonsdale and several other factories in other sections of the State were started during the decade. The census statistics of 1840 showed that there were then 209 cotton manufactories in the State, besides seventeen dyeing and printing establishments. The mills contained 518,817 spindles, their products were valued at \$7,116,792 and gave employment to 12,086 persons. The capital invested in the business aggregated \$7,326,000. The cotton industry had evidently made great progress in the State since 1832. Rhode Island in 1840 was only exceeded by Massachusetts in the magnitude of its cotton manufactures. Its mills and print works were up to date in every particular. Bishop states that "in February, 1840, a new pattern of mousseline de laines arrived from France at New York, and was offered by the importer at fourteen cents per yard by the case. The agent of a Rhode Island calico-printing establishment forwarded a piece of the new style of goods to Providence the day after their arrival, and in sixteen days he had the same style of goods and of equal fabric in New York, selling at ten cents per yard. The manufacturer had but twelve days to engrave the new pattern on a copper cylinder then hardened and made ready for impression; the compound for ingredients for colors discovered by chemical experiments; the cloth printed, dried and cased for market."

The statistics of manufactures for 1840 were probably not entirely accurate. Many errors were exposed at the time, and the apparent gain in cotton manufactures may have been larger than the facts would warrant. The improvement in machinery has constantly lessened the cost of production, and hence the price of the finished product has fallen in a corresponding degree. The manufacturer who employed the best labor-saving machinery possessed a great advantage over those of small or involved capital who felt unable to discard their slow and obsolescent machinery. Consequently throughout the whole

period of the factory system in this and other states there have been constantly occurring failures and closing of mills. These failures have sometimes taken place during the most prosperous periods, but have been much more frequent during hard times. When the mass of the people have been short of money, goods have become unsalable and prices have fallen. Our cotton mills in the early stages of manufacture were unable to supply the domestic market, and the importation of foreign goods was necessary, but afterwards, when the multiplication of spindles made outside help unnecessary, the importation of foreign textiles tended to keep down prices and to lessen the income of both manufacturer and operative. The compromise tariff of 1832 does not seem to have been injurious to our cotton mills as a whole, but after the panic of 1837 business for a time was not good, and a movement was organized in high tariff circles to repeal or modify the agreement of 1832, so as to secure higher duties. It was called a "home league" and was generally endorsed by Rhode Island manufacturers. As the revenues of the National Government had fallen off, owing to the lessening of imports, the opposition to a slight increase of duties on the part of the anti-protectionists was not strong, and a new tariff bill was passed on August 30, 1842, which increased the duties upon cotton bagging to four cents a square yard, and upon cotton cloth, yarns, etc., to 25 to 30 per cent. The change had the effect of increasing customs receipts, but the agitation increased, and on July 30, 1846, a revenue tariff was adopted which reduced the duties on cotton goods generally from 30 to 25 per cent.

If the statistics of cotton manufacture of 1840 and 1850 are correct in each instance, the industry lost ground in this State during the decade. The figures for 1850 report 158 manufactories with a capital of \$6,675,000, employing 10,875 persons, and producing goods valued at \$6,447,120. The value of cotton products in the whole country had increased from \$46,000,000 to \$61,000,000, and the number of persons employed from 72,000 to 92,000. The secret of the diminished figures for this State may lie in the fact that woolen manufacturing here was largely increased during the decade, and it appears that some mills changed from cotton to woolen.

Manufacturing and nearly all other industries were very prosperous during the decade between 1850 and 1860. Factories were multiplied in number or enlarged. In this small State, where the water power of the streams had been generally put in use already, the tendency was to increase the capacity of old mills, rather than to establish new ones. Manufactures generally were so prosperous that the tariff, whose average rate had been reduced in 1846 from 33 per cent. to 24 per cent., was reduced still further in 1857 to about 19 per cent. The duties upon cotton fabrics, yarn, etc., were reduced from 15 to 24 per cent. The passage of this tariff bill was not strongly opposed by

manufacturers, and it is a notable fact that one of the two Rhode Island members of the House and all of the Massachusetts members voted for it.

The statistics of manufactures for 1860 show that there were then 135 cotton manufacturing establishments in the State with an invested capital of \$11,500,000, employing 12,089 persons and producing goods valued at \$12,258,677. The mills contained 766,600 spindles and 26,000 looms. The increase in the value of cotton products during the ten years had been 88.7 per cent., while the average increase in the whole country was only 75.78 per cent.

In an article upon cotton manufacture, prepared for the United States Census Report for 1880, Edward Atkinson says: "Since the year 1860 the cotton manufacture of the United States has been exposed to greater vicissitudes than any other important branch of national industry, and the wonder is not that there should have been some disasters, but that it should have survived at all in the hands of its original owners. From 1857 to 1860 the cost of constructing a spinning and weaving factory on medium fabrics, woven of No. 25 yarn, was from \$16 to \$20 per spindle. The value of a bale of cotton of 480 pounds was from \$40 to \$50. Then came the combined effects of war, paper money and scarcity of cotton. At one period more than two-thirds of the cotton machinery of the country was stopped; the value of a bale of cotton rose to over \$900, and the price of some kinds of cotton goods was seven or eight times the present price. A little later new mills were constructed which cost from \$30 to \$40 per spindle. . . . At the date of the census (1800) the value of the bale of cotton was again from \$40 to \$50; the standard printing cloth, which reached 33 cents a yard during the war, was worth 4 cents; the No. 25 mill for spinning and weaving could be built for from \$14 to \$18 a spindle."

During this time the proportion of operatives to each 1,000 spindles had been decreased from 26 1-2 to 15, or 43 per cent., while wages had been increased.

In 1870 there were 139 cotton manufacturing establishments in Rhode Island, containing 1,142,000 spindles, employing 16,745 persons; with a capital of \$18,836,300, and producing goods valued at \$22,049,203.

In 1880 there were 115 cotton manufactories in Rhode Island with a capital of \$28,047,331, employing 21,474 persons, and producing goods of the value of \$22,875,111. While there appears to be but little gain in the value of products over the total of 1870, it should be understood that prices were inflated in 1870, and that our paper money, upon which the valuation was made, was then worth only about 85 cents to the dollar in specie. The aggregate weight of various manu-



factures of cotton of Rhode Island mills in 1880, was 60,905,602 pounds, and 1870 but 38,503,060 pounds.

The tendency for the past twenty years in Rhode Island factories has been to consolidate and enlarge existing establishments, rather than to start new ones. The prices of cotton products have gradually fallen, owing partly to improvements in machinery and partly to over production, and many failures have occurred. The largest cotton manufacturing house in the State (A. & W. Sprague) failed between 1870 and 1880, and some of the factories owned by this firm have been practically closed, while others have been enlarged by the manufacturers now in possession of them.

Great progress has been made during this period in the manufacture of cotton goods at the South, and grave misgivings have been manifested in manufacturing circles as to the ability of New England factories to compete with Southern mills, where labor is cheaper and the cost of transportation of the raw material less than here in New England. Thus far, by the employment of skilled labor and the best machinery; by providing every possible convenience for the economical handling of the raw material in the various stages of its change to the finished product; and by striving to produce a finer and better quality of goods than formerly, our mills have contrived to hold their own.

The census of 1890 gave the State 94 cotton factories, with a capital of \$38,798,161. They employed 24,832 persons, used \$14,347,672 worth of raw materials, and produced goods valued at \$27,347,672. Besides the 94 factories making cotton fabrics, there were 22 dyeing and finishing establishments, which used a capital of \$5,739,692, gave employment to 3,720 persons, and turned out calicoes and other goods valued at \$4,743,561. The returns of the census of 1900 report 87 cotton establishments, employing 24,032 persons, to whom \$8,023,007 are paid annually in wages, and whose products are valued at \$26,435,675. The decreased value of the products compared with 1890 is owing to a fall in prices, as the quantity of the product was greater in 1900 than in 1890.

There were 24 dyeing and finishing establishments in 1900. They gave employment to 5,942 persons, paid \$2,474,042 in wages, and turned out finished products valued at \$8,484,878. There was a great gain in the number of persons employed and in the value of the product over 1900.

"Dockham's American Trade Reports," in its edition for 1901, gives information regarding 129 cotton manufactories of different grades in Rhode Island, of which number 13 are new establishments. To these 129 should be added two cotton mills in Tiverton—just across the line from Fall River, and which are credited to Fall River by Dockham. It should be understood that the 131 cotton establishments, to which allusion has been made as now in operation in the State, does not in-

clude the print works, bleacheries and dye works which finish textile fabrics. The State Census of 1895 enumerates 20 such establishments, employing 4,730 persons and producing goods valued at \$7,957,151, with a disbursement in wages of \$1,995,124.

In conclusion it may be said that Rhode Island cotton mills compare favorably with those of other manufacturing states and other manufacturing countries, in methods of manufacture, in the quality of their products, in wages paid, in regard for the health and well-being of their operatives, and in the intelligence and skill of the latter. The State contains some of the largest and most perfectly equipped cotton factories in the world.<sup>1</sup>

#### WOOLENS, WORSTEDS AND OTHER TEXTILES.

The sheep is of much greater antiquity in domestic economy than the cotton plant, and in America, as well as in the Old World, woollen cloth was made before cotton fabrics. The wool was at first carded by hand by the housewives, spun on spinning wheels, and knit into stockings and mittens, or woven into cloth to clothe the family. Every housewife and marriageable maiden must know how to card and spin; the spinning wheel was a necessary part of the household furniture; but hand-looms were less plenty, and not every woman knew how to weave. Hence it happened that weaving was virtually a trade of itself, and that every neighborhood had its professional weaver—often a man—who received the yarn of a customer at his own house or shop, or moved his loom from house to house, and wove the family yarn for so much a day and board. Fulling mills for dressing the cloth were established at different places in this State more than two hundred years ago, and some years before the use of power in spinning and weaving, some woollen mills had been established in the State to satisfy the growing demand for ready made yarn or cloth.

Reference has already been made to early fulling mills and weavers and need not be recapitulated. During the Revolution, however, and for some time afterward the bulk of woollen cloth made here was accomplished by domestic manufacture. It was several years after the introduction of power spinning in cotton mills that it was applied to woollen manufacture in this State. Prior to the advent of the factory system the only branch of woollen manufacture of any extent in the

<sup>1</sup>Messrs. B. B. & R. Knight's mills contain about 300,000 spindles. The Lonsdale Company, Berkeley Company and Hope Company, of which the Goddard Brothers are agents, contain about 300,000 spindles; and the Manville Company, of which Col. H. F. Lippitt is agent, operates factories at Woonsocket and Manville containing about 225,000 spindles. The Conant Thread Mill, or the Pawtucket branch of the "J. & P. Coates Company, Limited", is the largest thread mill in the country. It contains 300,000 spindles and affords employment to over 2,100 persons. The Natick mill, owned and operated by B. B. & R. Knight, is the largest single cotton mill in the State, and contains 100,000 spindles.

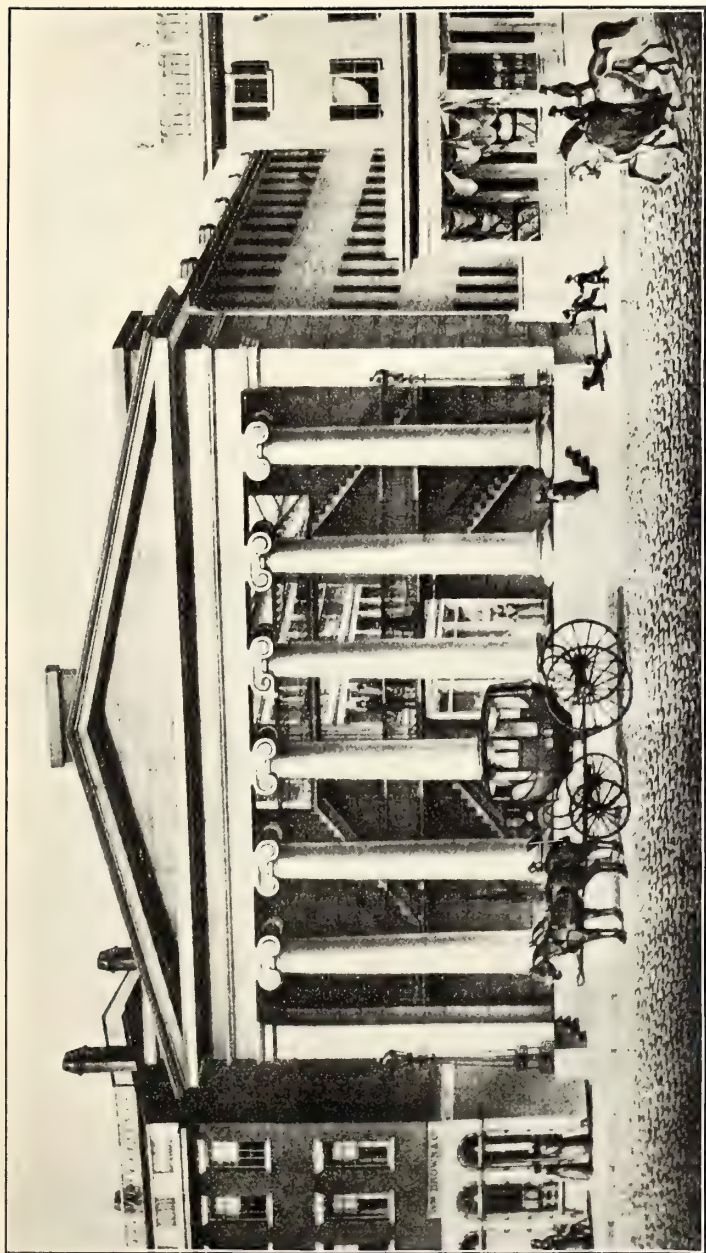
State outside of household fabrics, was the making of hats. There were three hat factories at East Greenwich toward the close of the eighteenth century, and hats were also made in Providence and other towns.

Rolls of wool carded by hand when spun were very uneven, and consequently the cloth would be imperfect, the different parts shrinking unevenly in the process of finishing. A person clothed in homespun was therefore considered illy dressed.

The first woolen factory with power machinery was established at Byfield near Newburyport, Massachusetts, in 1793, by Arthur and John Scholfield, who had recently come over from England. The machinery for the mill was constructed by John Scholfield. Arthur removed to Pittsfield in 1801, and started a factory there in which he made, in 1804, the first broadcloth manufactured in this country. The first attempt at woolen manufacture in Rhode Island with power machinery was at Peacedale in South Kingstown by Joseph Congdon, John Warren Knowles and Rowland Hazard, who set up a carding machine in 1804. Mr. Hazard soon afterward took full control of the business. The first machine simply carded the wool into rolls, which were put out to be spun by hand. About 1812 Thomas R. Williams of Newport invented a power loom for weaving saddle girths and other webbing, and in 1813 or 1814 some of his looms were started at Peacedale. After they had been fully tested Rowland Hazard purchased four of them for \$300 each, and in 1814 or 1815 they were in successful operation. The operation of power looms at Peacedale antedates those started in Judge Lyman's mill in North Providence by about two years, and the claim is made that they were the first to be successfully started in America. Isaac P. Hazard and Rowland G. Hazard, sons of Rowland Hazard, took charge of the business in 1819, and they with their successors in the family have made many additions to the property until it is now an extensive establishment.

The embargo previous to the War of 1812, the effect of which was to stop our commerce with England and its colonies, then as now the most liberal purchasers of American goods, had advanced the price of manufactured cloth, and after war was declared it went still higher. This called the attention of men possessed of capital to the fact that there was money in manufacturing. An experienced manufacturer from England came to Providence shortly after the declaration of war, and induced Sullivan Dorr, Samuel G. Arnold, Joseph S. Martin, Daniel Lyman and E. K. Randolph to form a company for the manufacture of broadcloths. This was the Providence Woolen Manufacturing Company. A large stone mill, with two wings and a dye house, was built where the Allen Print Works now stand. A high pressure steam engine, believed to be the first used in Rhode Island for manufacturing purposes, was obtained from Oliver Evans in Philadelphia.





THE "ARCADE," PROVIDENCE, IN 1850.  
ERECTED 1828.

Apprehensions of its capture by British vessels induced the enterprising owners to arrange for its redemption at a liberal price, if necessary, but it arrived safely. The cards were arranged on the lower floor of the centre building, the hand-loom in the wings, and the spinning jennies, of forty spindles each, on the upper floors. The shearing machines were of the Mussy pattern, used by hand, but were arranged by the ingenious manager, Mr. Sanford, to be operated by steam power, with the cloth traversing under the cutting blades. A napping machine, made with pointed brass wires arranged on a revolving cylinder, was newly invented with adjustable parts to operate safely and efficiently. This machine and the fulling mills were placed in the basement. A skillful English dyer, who could operate wood vats for blue dying, had been secured, and the colors he made were highly admired and the cloths well made and very durable; but the quality of the wool being somewhat coarse, most of the products were not of fine quality. During the war a quantity of Spanish wool was captured in prizes, which gave them a finer article at comparatively low prices, and proved profitable for a time. They accumulated a large quantity of broadcloths and refused an offer of \$8 per yard, with the expectation of a further advance. But the arrival of the ship *Bramble*, with news of an armistice, put an end to all their hopes in the further manufacture of broadcloths. Foreign broadcloths of a superior quality made their coarse goods unsalable except at a sacrifice, and the stock was closed out at a loss to the company of \$150,000. The mill was closed for some years, and was afterwards sold to Philip Allen for a print works. The Providence Woolen Manufacturing Company when established was the largest woolen mill in the country.

In 1822 Zachariah Allen erected a mill at Allendale, North Providence, for the manufacture of broadcloths, in which he used the first power loom operated in the State upon the manufacture of this class of goods. Mr. Allen continued the business until 1839, using, as they appeared, the improved condenser for the carding machine, the improved English teazel cylinder, the extension roller (his invention), and other improvements in machinery. The first introduction of steam rolling to give a gloss to the finished cloth was in this Allendale mill. In 1839 Mr. Allen sold his woolen machinery and changed the mill to a cotton factory.

There were twelve woolen mills in the State in 1810, but most of them were small affairs in which the work was done mainly by the old hand-loom. The War of 1812 gave an impetus during its continuance to woolen manufacture, but the sudden fall in prices immediately after the close of the war, owing to the great importation of wools and of a better quality than those of domestic make, closed for the time being nearly all the woolen mills in the country. The American woolen mills were badly handicapped at this time in competition with foreign

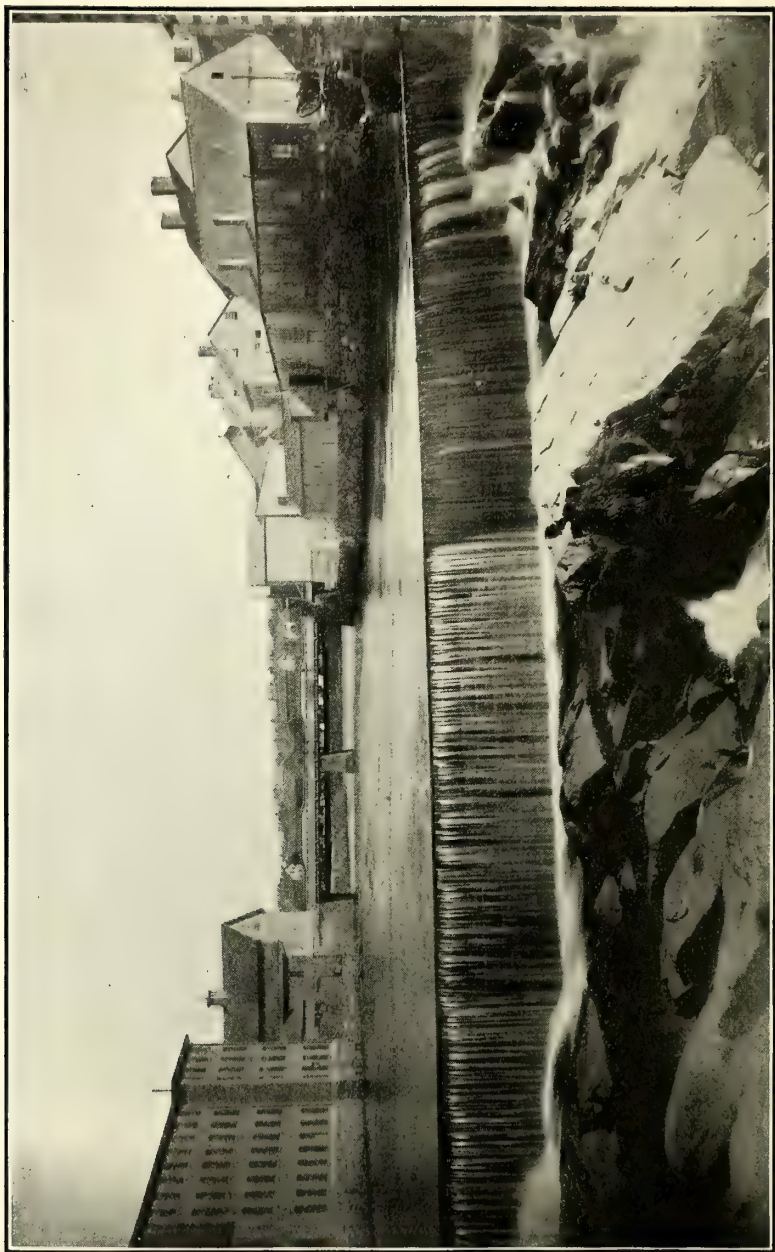
competitors, by the want of capital and skilled labor, by inferior machinery, and by being obliged to use a coarse quality of wool. The early tariffs did not aid them very much. The act of 1816 provided for a duty of 25 per cent. upon most woollen goods until June 30, 1819, after which it was to be 20 per cent. The law of 1824 raised these duties to from 30 to 33 per cent. and imposed a duty of 25 per cent. on worsted stuffs. The increase was of no help to manufacturers, because a duty of from 15 to 30 per cent. was levied upon raw wool of foreign growth. In 1828 duties were raised on both wool and woolens. In 1832 they were lowered on raw wool and on worsteds, but increased on common woolens; while in the falling tariff of 1832 a reduction was made in the customs charges on both wool and woolens.

In 1820 the Pawtucket Worsted Company was formed for the manufacture of fine vestings, and the next year, when Hon. Nehemiah R. Knight was elected United States Senator, the company presented him with a vest of its own manufacture, which attracted considerable attention as the first specimen of worsted goods of American make. But even as late as 1832 there was but little woollen manufacture in the State. The canvass made that year, under the auspices of the National Tariff Association, disclosed but 19 woollen mills in Rhode Island. These factories employed 383 persons; paid \$68,500 in wages; used 225,000 pounds of domestic, and 200,000 pounds of foreign wool; 54,000 pounds of cotton warp; and produced \$215,835 worth of woollen goods.

This branch of manufacture was considerably increased during the remainder of the thirties, as the census statistics of 1840 gave a total of 41 woollen mills, employing 961 persons, with a capital of \$685,350 and producing goods valued at \$842,572. Among the most important of the woollen mills started during the decade were those of the Valley Worsted mill, in Providence, and the Harris mill at Woonsocket. Edward Harris commenced the business there in 1831 with a capital of only \$3,500. The first years were not profitable, and he came very near abandoning the business. Afterwards, however, profits were made and for a long series of years his productions constantly improved in quality and quantity and his goods became so popular that the "Harris label" upon them was a recommendation that required no further proof. Mr. Harris was a strong advocate of free raw materials—at least in wool—and pamphlets issued by him to promote such a desideratum were often quoted by the opponents of protection. The mill which he founded has gone out of business.

The tariff of 1846 lowered the duties upon woollen and worsted goods and upon wool, and they were reduced still more by the tariff act of 1857. The census of 1850 showed a great increase in woollen manufactures since 1840. The figures were as follows: Number of establishments, 45; persons employed, 1,758; capital, \$1,013,000; value of raw





FALLS AT WOONSOCKET.

material used, \$1,463,900; value of products, \$2,381,825. The business had more than doubled since 1840.

Great as was the gain, however, it was less than that of the next decade. The census statistics of 1860 show 57 establishments in operation with a capital of \$3,168,500; there were then 4,229 persons employed, to whom \$1,069,176 were paid in wages. The cost of raw materials used was \$4,370,224, and the value of the product was \$6,915,205. The increase in production during the decade had been 176.8 per cent.

Most of the large woolen and worsted mills in the State have been established since the close of the Civil War. The statistics of each census show a gratifying increase. The war and after war tariffs during the sixties raised the duties on both wool and woolens, and the industry was not handicapped—as was the case with cotton manufacturing by a scarcity of raw material during the Civil War. In fact, the war was beneficial to the manufacturers of woolen goods because of the large amount of clothing required by the army.

The census of 1870 divided the products of woolen manufacture into two classes—woolen and worsteds. There were then 65 woolen and 11 worsted establishments in the State, employing respectively 6,363 and 1,531 persons, and producing woolens valued at \$12,558,117 and worsteds worth \$2,835,950. At this time, thirty years ago, Rhode Island stood second in cotton manufacturing, yielding precedence to Massachusetts only; fifth in woolens, being surpassed by Massachusetts, Connecticut, New York and Pennsylvania; and third (after Massachusetts and Pennsylvania) in worsted goods.

In 1880 this State had 50 woolen establishments, which employed 7,699 persons and produced goods valued at \$15,410,450. Its worsted establishments, which were 11 in number, employed 3,757 persons and produced goods valued at \$6,177,754. The woolen establishments proper had made a healthy gain during the decade, but not as large as that of the worsted mills. Providence was then the third city in the country in the magnitude of its woolen manufactures of all kinds including worsteds.

Since 1880 there has been a great increase in the product of worsted goods, especially in Providence. Rhode Island in 1890 produced more worsted goods than any other State in the Union, and Providence ranked first among the cities. Nearly all of the Providence woolen mills are now running exclusively upon worsteds or upon hosiery or knit goods, while a majority of those in the State at large are producing ordinary woolen cloths.

According to the figures of the census of 1890, Rhode Island then had 40 woolen mills, 16 hosiery and knitting mills, and 28 worsted mills. These three branches of manufacture employed respectively 6,028, 1,538, and 11,757 persons, and their total products were valued

at \$9,884,945, \$2,516,641 and \$22,319,684. Providence then had but one mill making ordinary woolens, while it had four devoted to hosiery and knit goods, and fourteen to worsteds. In 1880 the city had four worsted mills employing 1,966 persons. In 1890 it had fourteen mills employing 8,887 persons, and their production had increased in value from \$3,537,000 to \$17,605,831. Woonsocket had four worsted mills at this time. They employed 590 persons and produced \$1,033,000 worth of goods.

The manufacturing returns for 1900 show that the worsted goods industry in Rhode Island is now larger than that of cotton. There are fifty-one establishments, which employ 14,896 persons, disburse \$5,537,169 in wages and produce goods valued at \$33,341,329. There were at the same time twenty-six woolen establishments and fifteen devoted to hosiery and knit goods. The woolen mills employed 2,710 persons and the hosiery and knit goods establishments gave employment to 1,594 persons. The woolen product was valued at \$5,330,550, and the hosiery and knit goods product at \$2,713,850. There was a slight increase in the hosiery business and a large decrease in the product of the woolen mills. The change of many mills from woolen to worsted fabrics is probably accountable for the loss.

Dockham's American Trade Reports for 1901 gives the following statistics of woolen and worsted manufacture: Woolen and worsted mills, 97; hosiery and knit goods, 20. The mills contained 9,465 looms, 450 wool cards and 237 worsted combs. At the same time there were 4 silk mills and 1 mill at Manville making fabrics of flax and jute.

Providence is more largely engaged in the manufacture of worsteds than any other locality in the country. In 1890 it had 14 establishments giving employment to 8,887 persons and producing goods valued at \$17,605,831; Philadelphia, at the same time, with 32 worsted establishments, gave employment to only 7,904 persons and its product of worsted goods was valued at \$14,737,000. Lawrence stood third as a centre of worsted manufacture, its product aggregating \$9,970,000. Woonsocket had four worsted establishments in 1890. They produced goods valued at \$1,030,000.

Several of the largest and best equipped mills in the country are located in Providence and there are also large mills devoted to this line of business in Pawtucket, Central Falls, Woonsocket, Burrillville and South Kingstown.<sup>1</sup>

Great efforts have been made at different periods to develop the pro-

<sup>1</sup>The number of employees in the largest woolen and worsted mills of the State, according to the Seventh Annual Report of the Factory Inspectors was as follows: Providence—Atlantic Mills, 2,746; National and Providence Worsteds Mills, 2,065; Riverside Worsteds Mill, 1,607; Wanskuck Mills, 849; Weybosset Mills, 608. Pawtucket—Lorraine Worsteds Mill, 667. Central Falls—Farwell Worsteds Mills, 611. South Kingstown—Peacedale Manufacturing Company, 572.

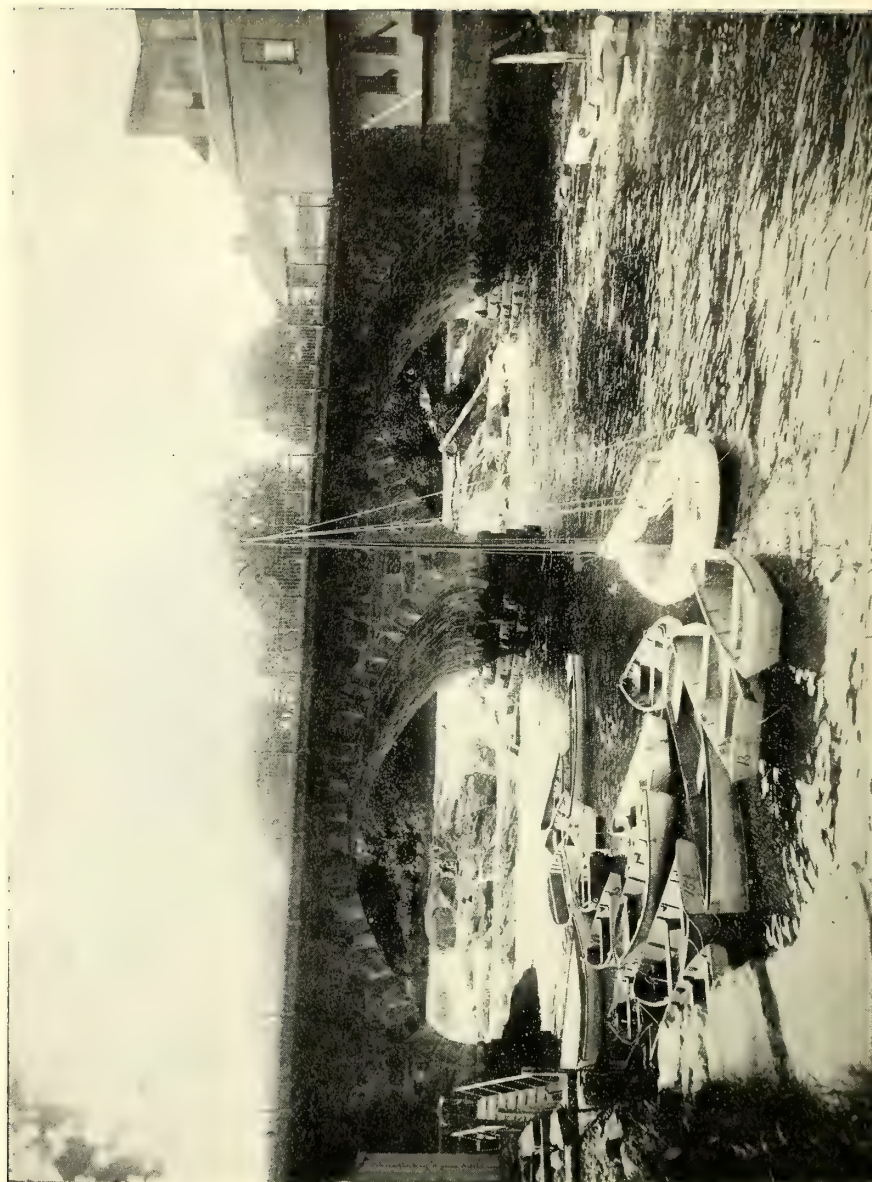


duction and manufacture of silk. The people of Newport became interested in the industry more than a century and a half ago, and silk was raised and sold there at least as far back as 1758. Although the industry received but little attention in the State for several years, a few individuals in different towns planted mulberry trees, bred silk worms in a small way, partly as a diversion, probably without expectation of reaping a profit. They took pride in appearing at times in silks of their own raising and fabrication. An instance of this kind occurred in 1823, when Dr. Benjamin Dyer, a local physician, appeared at a fair in Providence dressed in a complete suit of silk made from materials produced and manufactured in his own family. The subject of encouraging the propagation of the silk worm and the manufacture of its product was discussed frequently in Congress, and in 1828, Mr. Rush, secretary of the treasury, in accordance with a resolution of the House, rendered a report accompanied by a valuable manual upon the management of silk worms and the manufacture of silk. Six thousand copies were printed and distributed. The same year William A. Vernon of this State published a translation of the work of M. de Labrousse on the cultivation of mulberry trees, with valuable notes by the translator. A silk craze seemed to spread all over the country during the next few years. Great expectations were entertained of being able to produce large quantities of raw silk for exportation. Large sums were paid for plants of a new species of mulberry, which were brought from the Philippines, and considerable money was made in raising and trafficking in the young shrubs.

The Valentine Silk Company was formed in Providence for the raising and manufacture of silk, with a capital of \$100,000. It was conducted by Messrs. Dyer, and had a cocoonery one hundred and fifty feet long, and a big nursery of mulberry trees. A new method for winding silk upon spools or bobbins, instead of reels, invented by Gamaliel Gay, of Poughkeepsie, N. Y., was introduced into this mill in 1835, and ten or twelve different fabrics of silk or cotton and silk woven in this establishment upon the Gay loom were exhibited in the following March at Albany, N. Y. By 1839 the Valentine Silk Company had sunk all its capital and gone out of business. But little silk manufacturing is now done in Rhode Island.

The manufacturing statistics of 1900 report six establishments devoted to silk manufacture in this State. They employed 455 persons, paid \$166,675 in wages, and produced silk and silk goods valued at \$1,311,333. The product in 1890 was valued at \$229,062. This shows a healthy increase during the decade.

Before the advent of domestic cotton and previous to the inauguration of power spinning and weaving, linen and fabrications of hemp were common articles of domestic manufacture. Allusion has already been made to these industries in describing cloth making in colonial



BRIDGE AND FALLS AT PAWTUXET.

times. The Rhode Island General Assembly, previous to 1728 and in that year, and several times afterwards during the colonial period, offered bounties to encourage the raising of hemp and flax. In 1731, when the "Fourth Bank" of paper money was issued, bounties were ordered for hemp, flax, whale oil, whalebone and codfish. For every pound of good water-rotted hemp, well manufactured, nine pence was to be given and the bounty upon flax was four pence. The Colonial Records show that in 1733 the colony paid bounties upon 1,589 pounds of manufactured hemp, and 19,013 pounds of flax. Jonathan Sprague of Providence, but of that part afterwards set off as the town of Smithfield, collected a bounty upon 1,249 3-4 pounds of flax, while Stephen Hopkins who came from the Scituate portion of the Plantations, was second with 916 1-4 pounds. The largest growers of hemp were "Nikle's Shelding," Pardon Tillinghast and Benjamin Greene, who brought in respectively 401, 430 and 300 pounds. But in the long run the payment of bounties upon these productions did not produce the favorable results expected. The Revolution, however, acted as a stimulus for the time-being upon the manufacture of linen and hempen fabrics. As late as 1791, after cotton manufacturing was fairly established, we are told that 25,265 yards of linen were made in Providence. But little linen has, however, been made in this State for a hundred years past.

Hats were made at several places in the colony in the latter part of the eighteenth century. There were three shops at East Greenwich that gave employment to a large number of hands, and three different grades of hats were made at Providence in 1790. Statistics of that year, collected for Alexander Hamilton, show the output of hats in the town that year to have been as follows: Beaver hats, worth \$8 each, 121; castor hats, \$18 to \$48 a dozen, 1,327; felt hats, \$5 to \$12 a dozen, 4,564. The hat business was said to have been started in Providence in 1730. Colonel William Barton, who led the force which surprised and captured the British General Prescott, was a Providence hatter. In 1810, 50,000 hats worth \$5 apiece, exclusive of felts, were made in the State.

According to Staples, the manufacture of straw plait or braid for hats and bonnets was originated in 1798 in Providence. As the story is told, "Miss Betsey Metcalf, afterwards Mrs. Baker, at the age of twelve years, without previous instruction succeeded in making from oat straw, smoothed with her scissors, and split with her thumb-nail, a bonnet of seven braids, with bobbin inserted like open work, and lined with pink in imitation of the English straw bonnets, then fashionable and of a high price. It was bleached by holding it in the vapor of burning sulphur. The article was much admired and many ladies came from neighboring towns to see it, and to order bonnets for



themselves, at half the price of the imported. Young women were gratuitously instructed in the art of the inventor, and this laid the foundation of an extensive branch of business in Providence, Dedham, Wrentham, and other towns in New England and throughout the country."

#### MANUFACTURES OF IRON AND STEEL.

At the beginning of the Revolution no colony of the thirteen was better provided with expert iron workers and other skilled mechanics than was Rhode Island. It suffered more than any of its New England sisters from the presence and hostile movements of the enemy, and it was well that its people were able to manufacture the munitions of war for the emergency. Many cannon, as has already been told, were cast for Rhode Island defences and for Washington's army at the Hope furnace in Scituate, and small arms were made by Stephen Jenks at Pawtucket, and at several forges. Jenks made and supplied several of the military companies with muskets before the beginning of the war, and soon after news came of the battle of Lexington, a number of iron forgers in Providence and other towns were hard at work, fitting out the troops which were being rushed to the front.

Nathan Miller of East Greenwich was an excellent bayonet maker. Jeremiah Sheffield and George Tefft of the "Kingstown Reds" were recommended to their officers to be excused from duty, as they were then employed in making and stocking guns. Elihu Peck of Providence made gun stocks, and Edward Martin, Stephen Jenks, Thomas Bicknell, Prince Keene and others made gun barrels, bayonets and ramrods for the town of Providence. Twenty of these gun barrels with bayonets and ramrods cost, as "per bill rendered," £28, or 28 shillings a set, while Peck's bill, presumably for twenty gun stocks, was £15, 15s. 11*d*. Early in January, 1776, the firm of Jacob Greene & Company supplied the colony with "six new, double-fortified, four pound cannon with their carriages, together with one hundred and thirty round shot, six bags of grape shot, some sliding and bar shot, with ladles, rammers, sponges, worms," etc. The whole order was valued at £100. Jacob Greene was a brother of General Nathaniel Greene, and the forge where these guns were made was in the town of Coventry, near the present Quidnick railroad bridge.<sup>1</sup> It was established some years previously by Nathaniel Greene, sen., and sons, and the future Revolutionary hero removed to Coventry in 1770 to assume direction of it. Jacob was then a trader at the village of Apponaug, in Warwick, and the forge was probably placed in his name just before the beginning of the war by his Quaker father, who did not wish to be titularly at the head of a firm which made warlike implements.

<sup>1</sup>Field's Revolutionary Defences in Rhode Island.

Some attempts had been made in Connecticut to make steel previous to the Revolution, and the Rhode Island General Assembly, in 1777, deeming it advisable to encourage efforts to that end, offered a bounty of £60 for every ton of steel, "as good as German steel," that should be made in the State. The offer seems to have failed in its purpose, as no steel was manufactured in the State for several years. The fame which the Hope furnace obtained as a cannon foundry during the Revolution led to the placing of a large order in Providence for cannon for the new frigates, which were ordered by Congress during President Washington's last administration. John Brown, one of the owners of the furnace, appears to have been instrumental in obtaining the order, and he employed Sylvanus Brown—who had assisted Slater in making his first spinning machines—to superintend the castings. Some of the cannon were cast at the Hope furnace and a part at Easton, Massachusetts. Brown used the Cranston and Cumberland ores in equal portions, and they were carted by ox-teams to the furnaces. The Providence Gazette of February 14, 1795, says: "The workmen at the Hope furnace have already cast seventy-six cannon for the frigates and fortifications of the United States. They are ornamented with the American eagle, and are allowed by good judges to be equal to any guns from the foundries of Europe. They are cast solid and bored by water." The famous frigates Constitution, Constellation, United States, President, etc., were then in process of construction, and it is not improbable that the guns of the Constellation, which, in 1799 and 1800, taught the French to respect the American flag upon the ocean, and those of "Old Ironsides", which lowered the proud flag of Britain upon the sea in the War of 1812, were cast in Rhode Island. At least we may well believe that they were made of good Rhode Island ore, under the supervision of an expert Rhode Island iron worker.

The old cannon formerly used as posts at the corners of several Providence streets, a few of which are still to be seen, are said to have been defective castings from Easton and Hope, made about a century ago.

Cannon were also cast in Rhode Island for the National government during the War of 1812, and it is related of Isaac Wilkinson—one of Oziel's sons—that, at the age of seventeen, he had charge of the "Cupola"—subsequently the Franklin foundry—in Providence, and that during that war he cast cannon sixty days in succession, two heats a day.

We have seen that the machinery used in the early cotton mills of the State was made within its borders. The local iron workers speedily adapted their works to the new conditions and engaged in the manufacture of the machinery and tools used in the various industrial trades. The Jenks and Wilkinson families of expert mechanics were the means of developing many of these earlier iron works, through

their own direct efforts, and by means of the machinists schooled under their tuition. Nor were the representatives of these two families the only skilled mechanics that worked in iron a century ago in Providence and Pawtucket. The Browns have already been mentioned, and there were many others. In 1794 David Wilkinson, a son of Oziel, in company with Elijah Ormsbee, built a steamboat, in which they made a trip of three and a half miles, from Winsor's Cove to Providence. They did not seem impressed with the idea that the scheme could be made of practical value and after their "frolic" (as Wilkinson called it) was over, they dismantled the boat. In the course of his reminiscences, sent, in after years, to the Society for the Encouragement of Domestic Industry, Wilkinson says that while they were engaged in the construction of this steamboat a young man from Connecticut, who gave the name of Daniel French, came to his shop in Pawtucket, and asked and obtained leave to look over the steamboat. He examined everything carefully, and seemed greatly interested. Many years afterward, while riding by rail from Utica to Albany, Mr. Wilkinson says, he fell into conversation with a gentleman regarding Fulton's steamboat, and the gentleman declared that Fulton never would have succeeded had he not kept an ingenious Connecticut Yankee locked in for several weeks to draw plans for him. On inquiring the name of the Connecticut Yankee, Mr. Wilkinson was told it was "Daniel French."

For many years Pawtucket supplied New Bedford and Nantucket with heavy presses for pressing out sperm oil. So widespread was the fame of Pawtucket for skillful iron workers that in 1794 Colonel Baldwin came there from Boston after machinery for a canal, in process of construction near that city. The patterns were made, and the wheels, racks, etc., were cast at Oziel Wilkinson's establishment. The same year the iron work for a draw-bridge between Boston and Cambridge was also cast by Wilkinson. In 1804 he made all the spades, shovels and picks used in the construction of the Norfolk and Bristol turnpike, which was laid out four rods wide from Pawtucket bridge to Boston. The foundry established by Oziel Wilkinson and his son David was situated in the old coal yard at Pawtucket. Oziel died in 1815, and David continued the business until 1829. In 1832 one of his abandoned furnaces was started up by Zebulon White. In 1835 the firm of which Mr. White was the head was known as the Pawtucket Cupola Furnace Company. The present firm of J. S. White & Company are the lineal successors of the original Wilkinson establishment. Speaking of the establishment while he was its manager, David Wilkinson said: "We built machinery to go to almost every part of the country," the places he enumerated including manufacturing establishments throughout the North and South as far as Louisiana.

In 1816 a man by the name of Dwight Fisher came to Pawtucket and



began the manufacture of nails, but soon failing, his machines were purchased by David and Daniel Wilkinson, and the business was carried on by them until 1829, their output being about four thousand pounds of nails daily. Eleazer Jenks built a machine shop in Pawtucket in 1813 for heavy forge work and the construction of mule spindles. John Thorp, another ingenious Pawtucket mechanic, took out a patent for a power loom in 1814. It stood upright and performed its work by perpendicular action, but was soon superseded by the Scotch loom introduced by Gilmour. Thorp afterwards invented several other machines and appliances, including a machine for winding quills or bobbins, a very ingenious braiding machine, and a spinning ring which is now in general use.

Larned Pitcher started a machine shop in Pawtucket in 1813. Mr. P. Hovey and Mr. Arnold were soon taken into partnership, but in 1819, when the establishment was the largest manufacturer of cotton machinery in Pawtucket, the firm was Pitcher & Gay. The latter was succeeded by James S. Brown, one of the most famous of Rhode Island's iron workers and inventors. He bought out his partner in 1842, and greatly enlarged the works. Since his death, in 1879, the business has been conducted by his son, James Brown.

The extensive bolt, nut and screw manufacturing establishment of the W. H. Haskell Company of Pawtucket was commenced on a small scale by Colonel Stephen Jenks in 1820. Alvin Jenks, of the original firm of Stephen Jenks & Sons, which was broken up by the industrial panic of 1829, went to Central Falls and entered into partnership, in 1830, with David G. Fales, in the manufacture of cotton machinery. In 1833 they began making Hubbard's patent rotary pump, which was considered the best pump in use for many years. This firm made the first ring spinning frames in 1845, and it was the first establishment to make ring travellers. Several years ago the company made for and sent to J. & P. Coats, the celebrated makers of Coats thread, at Paisley, Scotland, some twistors, dressers and winders, which were superior to anything in Europe, and they were made the models for machines made for other establishments of the great thread manufacturers. In 1865 the establishment was removed to Pawtucket, where it has been continued on a larger scale.

Allusion has already been made to several of the early ironworks during the Colonial period. There was a forge at Saxonville in Burrillville as early as 1773. A furnace to cast hollow ware is believed to have been erected during the reign of Charles II (1660-1685), near the Blackstone river, between Cumberland Mills and Abbott Run in the town of Cumberland. An old foundry and smelting works, a half mile south of East Cumberland, was erected in 1736, and furnished cannon for the Rhode Island contingent at the siege of Louisburg in 1745. A nail factory was operated before the Revolution on the west

side of Diamond Hill in Cumberland, by the Tower family, and the Wilkinsons had a furnace at Manville in that town, where many varieties of hollow ware were cast before the war. Stephen Jenks built a machine shop at Central Falls, in 1763, for the manufacture of ship bolts and other ship iron work. Scythes and other edge tools were made at that place about the close of the Revolution by Charles Keene. Brand's Iron works at Wyoming, in the town of Hopkinton, were famous before the Revolution, and there were iron works at Kenyon's Mills in Richmond in 1772, and at Hope Valley in 1778. The Hope furnace, at Hope, Scituate, the Greene forge at Potowomut, Warwick, and another Greene foundry, near Quidnick, Coventry, also antedate the Revolution. The "Old Forge" at Woonsocket was erected by the united efforts of several Quaker families in 1720. In brief, it may be said that nearly every neighborhood had its blacksmith at an early day, and that many of these added small furnaces to their smithies and cast and forged nearly all the iron utensils and tools used in the farmers' houses and on the farms.

Cromwell and Perez Peck went to Anthony in Coventry in 1805, and after looking over the machinery in the Almy & Brown mill at Centreville, made similar machines for the cotton mill then building at Anthony. They erected their machine shop in the latter village in 1812. Perez Peck was an ingenious mechanic. He assisted Job Manchester of Coventry in the construction of the first bed-tick loom ever invented. Daniel Owen made ploughs, harrows, etc., in Glocester soon after the Revolution, and Oliver Owen carried on a nail factory in that town early in the nineteenth century. In 1795 Elijah Bartlett began the manufacture of scythes at Branch Village in North Smithfield, and Nathan Darling started a scythe manufactory at Forestdale in the same town in 1824. During the Rebellion his successors in the business, Mansfield & Lamb, made 30,000 sabres for the government, and they were officially declared to be as good as any ever made for the army and navy. David Bartlett made scythes and edge tools at Woonsocket in 1820. In 1811 Stephen Jenks obtained a contract from the government to make 10,000 muskets at \$11.50 each. The work was done at Central Falls, and the building in which they were finished was afterwards used as a machine shop.<sup>1</sup> A machine shop was established at Washington village in 1817. In 1825 Joseph and Ebenezer Metcalf built a machine shop at Arnold's Mills in Cumberland, and entered into the manufacture of spinning frames and other cotton machinery. The Nichols & Langworthy Machine Company, at Hope Valley, is an old foundry which dates from about 1825. About the first large order which it filled was the construction of looms, in 1826, for the Hazard Woolen Mill at Peacedale. The Lanphear Machine Shop was another

<sup>1</sup>One of these muskets is shown in the illustration of the various arms used by Rhode Island soldiers, in the chapter *The Wars and the Militia*.

old foundry, which was formerly an important establishment in the Pawtuxet Valley. It was started before the middle of the last century.

From a report prepared in 1791 by the Providence Association of Mechanics and Manufacturers for Alexander Hamilton, secretary of the treasury, considerable can be learned about the iron industry in and around the town at that time. Nails were manufactured in 1790 to the number of 3,000,000, those below four-penny in size being cut, while the larger ones were wrought. Slitting mills were in operation sufficient in capacity to supply the whole country with rods. Of edge tools, 4,500 scythes, axes and drawing knives were made, and fire engines, cotton and woolen cards, moulding tools and iron shovels were also turned out at various establishments. The edge tools were made by John Lindenberger. Charles Keene manufactured scythes and axes on Bark street, and Samuel Gorham shovels and spades on a wharf between the church and Mill bridge. In 1812 cotton machinery was made on Bark street, near Charles, by Samuel Ogden, and a large force of experienced mechanics were trained in his shop.

The oldest of the large iron foundries in Providence is the Franklin Machine Company on Charles street, which was started by Stanford Newell, Isaac Thurber and others about the year 1800. The old establishment seems to have been known as the "Cupola" at the time of the War of 1812, and to have then been in charge of one of the Wilkinsons, then a youth of seventeen.

The Thomas Phillips Company has existed nearly a century; it was started in 1804 by Josiah Keene. The Builder's Iron Foundry, which began business prior to 1820 and was formerly known as the High Street Furnace, sustained the reputation of the State—acquired by the Hope Furnace and other foundries in former times—during the Rebellion and the Spanish War as a producer of cannon and their accompaniments. It cast hundreds of cannon of the largest calibre, including 11-inch columbiads and 13-inch mortars for use during the Rebellion. Within the last fifteen years it has assembled and built up scores of big 12-inch rifled breech-loading mortars, with their carriages, for the rearmament of our forts, and during the late Spanish War, the establishment turned out shot and shell, firing fuses, and 7-inch seacoast howitzers.

Small arms were also made in Providence during the Rebellion by the Rhode Island Tool Company, which made rifled muskets, sabres, etc. The firm filled a large order of Peabody-Martini rifles for Turkey in 1877, when that empire was at war with Russia. The Household Sewing Machine, which was formerly made by this company, now does its own manufacturing in Providence.

More screws are made by the American Screw Company than are manufactured by any other firm in the country. In fact its product



exceeds that of all other screw makers in the United States. It began business in 1838. The Nicholson File Company of Providence, established in 1864, is also practically without a rival.

The Brown & Sharpe Manufacturing Company, established in 1833 by David and Joseph Brown—father and son—has attained a world-wide reputation as a manufacturer of steel rules, gauges, callipers and small wares. Even as late as 1853, when Lucian Sharpe became a member of the company, the firm employed only fourteen persons, and had only 30 by 60 feet of floor space. It commenced making the Wilcox & Gibbs sewing machine in 1858, and in 1865 employed three hundred persons. Its working force now numbers over two thousand persons.

All kinds of stationary and portable steam engines, fire engines and locomotives as well, are made in Providence by different establishments. The Corliss steam engine, constructed by the late George H. Corliss, was considered one of the most valuable inventions of the time a generation ago. Bishop's History (1864) says of it: "Of all the inventions that have been made during the last twenty years there are few, if any, that have attracted a larger share of public attention than Mr. Corliss's improvements in the steam engine—none probably, unless it be the inventions in India rubber, that have passed through ordeals so costly and trying, or which have more triumphantly vindicated their claim to a high rank in the list of American inventions." The object of Mr. Corliss's improvement was to secure a more equable motion to stationary engines than had been before obtained, by rendering the regulator purely automatic and practically perfect, and to save fuel by applying and utilizing the entire expansive force of the steam. Mr. Corliss received the highest prizes at the Expositions at Paris and Vienna in 1867 and 1873, and one of his engines was used at the Philadelphia Centennial in 1876 to drive the machinery.

William Corliss, a brother of the late George H. Corliss, invented a burglar-proof safe, which he formerly manufactured at Auburn in the town of Cranston, but this industry was absorbed some three or four years ago by a combination of safe manufacturers which removed the business elsewhere.

The American Ship Windlass Company make improved ship windlasses and capstans that have come into general use both in the navy and the merchant marine. It is the standard windlass used by the United States navy, and no battleship or cruiser is without it. The windlass is the invention of Joseph P. Manton of Providence.

Stoves were formerly made in Pawtucket by the Rhode Island Stove Works. Spicer & Peckham, afterwards the Spicer Stove Company, made stoves for many years in Providence and carried on a large business. It is now consolidated with the Barstow Stove Company, an

old and successful stove foundry, which is now the only one in the State.

Nearly all kinds of machinery, light and heavy castings and iron ware are made in Providence foundries and machine shops. Its iron works constitute one of its largest industries and they furnish steady and remunerative work to large numbers of skilled mechanics.

The manufacturing statistics of 1900 give the following figures regarding the foundries and machine shops of Rhode Island: Establishments, 144; average number of persons employed 8,799; wages paid, \$4,638,507; value of products, \$13,269,086.

#### JEWELRY MANUFACTURE.

While the matrons and maidens of the stone age doubtless wore ornaments of some kind, as perhaps did, also, their husbands and lovers, jewelry, in the common acceptation of the word, is a product of a later civilization. It is an indication of some degree of opulence. As long as the colonists in America were absorbed in the struggle for food and raiment there was little encouragement for the establishment of industries whose products were purely ornamental. Hence it happens that the manufacture of jewelry in this country did not begin until after the close of the colonial period. Of course watch and clock repairers, especially the latter, were necessary to the comfort of the early settlers. Although not a universal household asset, many of the first comers brought clocks with them from over the sea, and clock tinkers found employment in every settlement. Some of the colonists also carried watches, and as the colonial villages grew in size and became centres of traffic, watchmakers from the old country jewelry shops came over and set up shop in them, and they gradually began to make rings and ordinary ornaments of bead and metal work.

These things were a matter of course, but the establishment of shops devoted mainly to the fabrication of articles of jewelry were unknown in this country previous to the Revolution, and it is a singular fact that the first mention of the jewelry manufacture in this country recorded by our industrial chroniclers is regarding a Providence artisan, Seril Dodge, whose shop was two doors north of the "Baptist meeting house" (which stood on the site of Roger Williams's house of worship), on North Main street, made silver shoe buckles for feminine adornment about the time of the Revolution. Other jewelers who made a specialty of the making of ornaments of a similar character in the years immediately following the Revolution were Calvin Wheaton, Ezekiel and William Burr, Caleb Wheaton, Edward Spaulding, John Gibbs, David Vinton and William Hamlin. But Nehemiah Dodge may be considered as the real pioneer of jewelry manufacture in Providence. He opened a shop near the Roger Williams spring on North Main street in 1794, and announced himself as "a goldsmith and

jeweler, clock and watchmaker." Previous to that time gold jewelry was made eighteen carats fine, but Dodge turned out a cheaper quality which sold readily. He made gold necklaces, knobs and twists, gold rings and miniature cases. His products sold readily, but in a little while parties from Attleboro, Massachusetts, succeeded in learning the secret of their manufacture (by false pretences, as he claimed), and they proceeded to make goods of a cheaper quality even than his.

In 1805 Providence contained three other firms of manufacturing jewelers, namely: John C. Jenks, Ezekiel Burr and Pitman & Dorrance. These establishments together with Dodge's employed altogether about thirty workmen, and made breastpins, eardrops, watch keys, and similar articles.

Information in regard to the early manufacture of jewelry is somewhat meagre. The only references to the industry in Bishop's History, up to 1860, are given in full in the following quotations: (1810) "The jewelry manufacture of Providence employed about 100 workmen, and the product amounted to \$100,000 annually." (1815) "The jewelry manufacture of Providence employed at this time about one hundred and seventy-five workmen, and the value of the products for the year was \$300,000. It was nearly abandoned during the next two years, but was revived in 1818." (1820) "The manufacture of jewelry in Providence, which had been nearly abandoned in the last two years, was revived this year, and in two more years reached double its former product, or \$600,000 per annum." In 1825, besides Nehemiah Dodge, the pioneer of the industry, who lived to be ninety years of age, the manufacturing jewelers of the city included Joseph Veazie, who made gold chains, seals and keys in a little shop still standing on the east side of North Main street, about half way up Constitution Hill; Arnold Whipple, on the corner of Stampers and Hewes streets; Frost & Mumford, makers of diamond, pearl and paste jewelry, Cady's Lane; Davis & Babbitt, on Cheapside; G. & A. Richmond, Hydraulion, now Exchange street; Jabez Gorham, who was first located on the opposite corner of Steeple street from the Gorham Manufacturing Company's late quarters; William Greene & Company, George street; Whitaker & Greene, on the corner of North Main and Thomas streets; Sackett & Willard, North Court street; and Bassett Nichols on Clemence street.

The statistics of jewelry manufacture collected in 1832 by request of the National Tariff Convention, show that there were at that time in the State (probably all in Providence) twenty-seven establishments with a capital of \$100,200; giving employment to 282 persons and producing \$228,253. If these figures were reliable, and if those previously given of 1815 were also approximately correct, the fact that 175 persons at the earlier period made goods of a greater aggregate value than did the 282 workmen in 1832, would seem to indicate that



the shops were turning out a much cheaper class of goods in 1832 than they were making in 1815. Even if this were the fact, Providence jewelers in 1832 were undoubtedly making larger profits than were those of 1815.

The census statistics of 1840 show that 172 men were then employed in the county of Providence in the manufacture of the "precious metals" and that their products were valued at \$277,900. Whether these totals included all of the cheap jewelry establishments of Providence, it is of course now impossible to determine.

The National Census of 1850 also failed to definitely give the status of the jewelry manufacturing industry. The tables of occupation, however, showed that Rhode Island then contained 729 jewelers, exclusive of lapidaries, watchmakers and gold and silversmiths, a larger number than were at work in any other state save New York and Pennsylvania.

The business in 1825 was quite different from what it is now. The heavy work was done with hand rolls and foot lathes, and there was no gilt work made. Arnold Whipple, Jabez Gorham (founder of the Gorham Manufacturing Company), and Sackett & Willard were the only firms making solid goods, which were made of red gold. No shop had more than twenty persons. The most active members of each firm used to go to New York by stage or packet two or three times a year. The Richmonds, who were located on the corner of Westminster and Hydraulion (now Exchange) streets, with whom the late Hon. Thomas Davis learned his trade, were very progressive people and used to go even to New Orleans on drumming excursions in the winters.

The period from 1825 to 1857 was a prosperous one for the jewelry business. Men who began as apprentices, who were possessed of good artistic taste, were able in a few years to set up for themselves and acquire a competence. The increase in the number of manufacturing concerns was mainly the result of this tendency of skilled employees to start in business on their own account. Two journeymen jewelry men would form a partnership; one would manage the shop, often doing more work himself than any of his men; while his partner would sell the goods, keep the books and do the shipping. In 1850 the industry had grown to forty or forty-five shops. As a peculiar faculty, an artistic sense, and the ability to do rapid and accurate work were very desirable qualifications in jewelry makers, the man who could fill the bill could almost name his wages. No mechanical industry paid as high wages as did the jewelry business. Five dollars a day for a skilled workman was not unusual and some who worked by the piece made as much as ten dollars. As journeymen jewelers were as a rule free with their money, the industry added greatly to the prosperity of Providence.

But, as jewelry is a luxury rather than a necessity, it has always

been one of the first industries to feel hard times and has consequently had many "ups and downs." Before 1850 the establishments had begun to cross the great bridge to the West Side of the city, and by 1857 a majority of them were located upon Broad, Pine, Friendship, Orange, Eddy and Page streets. The panic of 1857 caused many failures among jewelry manufacturers, but the industry quickly recovered and by 1860 there were eighty-six shops, or thirty shops more than there were before the panic. The demand for jewelry fell off during the Rebellion, and by 1864 the number of establishments had dwindled to fifty-two. The war, however, was a help to some firms, especially to those which happened to have large stocks of gold on hand when it began to rise, and to those establishments which made belt buckles, brass buttons and other military goods, including medals, badges, and articles of a similar character.

The census of 1860, which only found seventy-seven jewelry manufacturing establishments in Providence county, although the Providence directory discovered eighty-six, showed the total value of the products of the industry to be \$3,006,678, including silverware and gold refining. There were 1,498 male and 263 female employees, who were paid \$697,692 in wages during the year.

In 1870, according to the census, there were seventy-one establishments making jewelry in the state. They employed 1,579 persons, paid \$948,201 in wages and produced goods valued at \$3,043,846.

In 1880 Rhode Island took its place at the head of the States as the center of the jewelry industry, both in the value of the goods produced and in the number of persons employed and amount of wages paid, although New York had two hundred and sixty establishments to Rhode Island's one hundred and forty-eight, the latter were all in Providence county, and all but six in the city of Providence. The products of the industry in that city exceeded in value those of any state in the country aside from Rhode Island. The one hundred and forty-two manufacturing establishments in Providence employed 2,411 men, 675 women and 178 children; \$1,614,836 were paid in wages; and the products amounted to \$5,444,092 in value.

In 1890 Providence had one hundred and seventy jewelry establishments, which furnished employment to 4,380 persons, and produced goods valued at \$7,801,000. There were six establishments in Pawtucket at the same time; their product was valued at \$132,000, and they furnished employment to 108 persons. These statistics do not include those of silverware, which was considered a separate industry.

The State Census of 1895, showed an increase on all counts. There were then one hundred and eighty-eight jewelry establishments, employing 4,851 persons, disbursing \$2,423,158 in wages, and producing goods valued at \$8,641,451. Providence contained one hundred and eighty of the one hundred and eighty-eight establishments, while

Pawtucket had five and Central Falls one. The Providence establishments employed an average of 4,711 persons, disbursed \$2,372,434 in wages, and produced goods valued at \$8,488,215.

The Bureau of Industrial Statistics of this State made an official investigation of the jewelry and silverware industries, and lines of business incident thereto, in 1899. Under this inquiry the classification included jewelry, silverware, jeweler's findings, refining, electroplating, enameling, engraving and chasing, die-sinking and lapidaries. The investigation resulted in the most complete and accurate statement yet obtained of these industries. Returns were received from two hundred and forty-nine establishments, with an invested capital in all lines of \$10,655,227, with an annual product valued at \$19,445,-327, disbursing in wages and salaries \$4,612,889, and furnishing employment to 8,767 persons.

The oldest firm now doing business in Providence is that of Palmer & Capron at 167 Dorrance street. John S. Palmer, the senior member and founder of the firm, was born in 1824 and began his trade with G. and S. Owen in 1840. After acquiring a knowledge of the business he went into partnership in 1845 with Christian C. Stave. The latter withdrew four years later, and Lucian P. Lamson became the junior partner. In 1852, upon Mr. Lamson's death, Charles S. Capron, a brother-in-law of Mr. Palmer, entered the firm, which has been known since that time as Palmer & Capron.

All grades of jewelry are made from the richest to the cheapest by the different firms. The most successful Providence manufacturers are men who came up from the bench, men who understand the details of manufacture and are quick to note the ever-changing vagaries of the popular taste. There is less machinery and more brain-work required of workers in this industry than in the textile factories, and they have on an average fewer employees than are required in the latter. Two or three of the larger jewelry establishments in the city, however, each employ over two hundred persons.

Providence has the distinction of excelling all other American cities in several lines of manufacture. Some of these have already been noted, and another is silverware. The Gorham Manufacturing Company, of which Jabez Gorham was the founder, is the most extensive maker of silverware on the continent. In fact, it is probable that the products of this house nearly equal in value those of all other manufacturers of silverware in the country. Jabez Gorham, the founder of the company, who was born in 1792 and died in 1869, learned his trade as a jeweler, and engaged at first in company with four others, about 1813, in the manufacture of jewelry at the corner of North Main and Steeple streets. In 1831 a journeyman silversmith from Boston by the name of H. L. Webster came to Providence and in company with Mr. Gorham began the manufacture of silver spoons. Since then the





VIEW OF "CHEAPSIDE," OR NORTH MAIN STREET,  
FROM MARKET SQUARE.

TAKEN FROM THE STEPS OF THE FRANKLIN HOUSE IN 1843. FROM AN  
OLD PAINTING BY GEORGE W. HARRIS, IN THE POSSESSION OF  
THE RHODE ISLAND HISTORICAL SOCIETY.

business has gradually grown to its present mammoth proportions. About a dozen years ago, the Steeple street establishment having been outgrown, the company removed to larger quarters in the Elmwood section of the city. The equipment of the works is most complete, every mechanical device being brought into use. More than twenty different trades are carried on in turning out the finished product. A "century vase," which attracted much attention at the Philadelphia Centennial in 1876, made of solid silver, is five feet in length and over four in breadth, and weighs 2,000 ounces. Another specimen of the Gorham product was the Hiawatha barge, which was purchased by General Grant. A silver statue of Columbus, made for the Chicago World's Fair, has also attracted wide attention. The establishment employs 1,500 persons, and its ordinary annual product exceeds two million dollars in value.

There were eight firms engaged in the production of silverware in 1900. They furnished employment to 1,549 persons, paid \$978,198 in wages, and produced goods valued at \$3,834,038. There was a great increase in this business over 1890.

One of the largest of manufacturing industries, that of boots and shoes, for some reason has never met with much encouragement in Rhode Island. Small attempts have been made from time to time to start factories, but they have failed to realize the expectations of their projectors and have soon retired from business. At the present time (1901) there is not a single leather boot and shoe manufactory in the State, although there are many shoemakers who make footwear to order.

The manufacture of rubber goods has been carried on many years in the State. Boots and shoes and all kinds of rubber goods are made. The mills are chiefly located at Bristol, Providence and Woonsocket, and include some of the largest rubber establishments in the United States. One of them employs 1,200 persons.

The production of rubber boots and shoes in the State in 1900 amounted to \$8,034,417 in value and that of rubber and elastic goods to \$2,518,268.

Butterine is made in large quantities in Providence. In 1890 the city's production was second only to that of Chicago, and it is supposed to hold the same relative position to-day. The production of butterine by the three Providence establishments, in 1900, equaled \$1,345,133 in value, a sum more than double that of the butterine factories of the State in 1890.

The Rumford Chemical Works in East Providence is a special manufactory which has no competitor in the State. It was established in 1855 by George F. Wilson of Providence and Professor E. N. Horsford of Harvard University for the purpose of manufacturing chemicals. The products of the works, which are located in Rumford, East Provi-

dence, comprise general and special chemicals, particularly preparations of the phosphates suitable for food and medicine. Among their products most generally known are the Horsford and Rumford baking powders, Horsford's cream of tartar, Horsford's acid phosphate, and phosa. Some of the preparations, particularly the acid phosphate, are sold all over the world, and their accompanying circulars have to be printed in several different languages. The establishment employs a large number of persons.

The brewing business has been carried on many years. Beer was made during the colonial period, but it was generally made by the housewives from malt, the manufacture of which was carried on in many of the towns. The oldest of the present breweries is the James Hanley Brewing Company on Jackson street, whose manufactory stands on the site of an old wooden one run by Holmes & Company about half a century ago. The brewing business was formerly quite an important one in Newport, and about the time of the Rebellion the ale brewed by W. Hill & Son of that city had a large sale throughout the State. After changing hands several times it went out of business about 1883. There are four breweries now in Providence, two just over the line in Cranston, and one in Pawtucket. They brew porter, lager beer and ale, and collectively do a large business. There were six malt liquor establishments in the State in 1900. They employed 296 persons, and manufactured \$1,880,171 worth of ale, beer and porter.

Distilleries were an important industry in colonial days. Large quantities of West India molasses were imported. Considerable of it was turned into rum, and cargoes of the latter were taken to Africa to be exchanged for slaves. The last distillery was located in the Fox Point section, at the corner of India and Traverse streets. Darius Sessions carried it on sixty or seventy years ago and for some years before the Rebellion it was run by John Dyer & Company, and the last owner was Asa Blanchard, who went out of business about 1874. No whiskey has ever been distilled in this State, the labors of Rhode Island distillers always having been confined to rum and gin.

A sugar refinery was started in Bristol in 1849 by Cornelius R. Dimond & Company. It did a fair business at first, but its sales fell off about the time of the beginning of the Rebellion, and the refinery was sold to Camp, Bronson & Sherry, a New York company, which did a large business for several years, at one time employing 225 workmen and turning out 350 barrels of refined sugar daily. Its prosperity did not last long, however, and it changed hands several times, and finally discontinued business about twenty-five years ago, its firm name then being "The Phenix Sugar Refinery." Sugar refining, or rather sugar making, was carried on in Providence in the early days of the last century in an old building standing on the site of Lowe's



(Keith's) Opera House. It fronted on Clemence street, which was then known as Sugar Lane. The sugar produced at this establishment was brown or muscovado, made from molasses. The last sugar house in Providence was on Gaspee street, about where the State Normal School now stands. It was called the "Park Sugar Refinery", and was managed by L. P. Mead. This establishment discontinued business about 1872. Mr. Mead, it seems, proposed to substitute a steam process, instead of the usual method of boiling. The fact that the establishment was a short-lived one would seem to indicate that his method was not found to be practicable.

Brass founding is one of the oldest of Rhode Island industries. It dates back in Providence to 1762, and is now carried on by several establishments in Providence, and also in Pawtucket, Woonsocket, Newport, Central Falls and at Pascoag, in the town of Burrillville.

Brick making was also a colonial industry, but the oldest existing brick-making establishment of the State was started in Barrington in 1846. All of the brick-making in that town is under one management.

Ship building, except of small steam and sailing vessels is not now carried on in this State. The Herreshoff Manufacturing Company has obtained world-wide fame as the builders of fast sailing yachts. It has built several sloops which have successfully defended the American Cup against the best British boats, and it has constructed several of the government's fastest torpedo boats. This company began building yachts and sailboats at Bristol in 1863, and in 1873 commenced the construction of steam yachts.

The first mill in the country for the manufacture of cotton seed oil was established in Providence to develop a process invented by the late Lyman Klapp. It is known as the Union Oil Mill. The manufacture of menhaden oil and fish guano is an important industry in Portsmouth and Tiverton.

Davis's Pain Killer was almost an indispensable household panacea a generation ago, and in other countries as well as in our own. It was discovered by Perry Davis, who commenced making it in Providence more than a half century ago. Mr. Davis died in 1862 and the business was removed to New York several years ago.

In a report regarding the manufactures of Providence, prepared at the request of Alexander Hamilton, in 1790, glass works were mentioned. John Brown owned a glass factory at India Point about that time, but the business was probably closed out soon afterwards, although no memoranda is obtainable of its fate. The Providence Flint Glass Company was started about 1830. The Providence Journal of January 31, 1833, speaks of the concern as "an establishment which produces some of the best and most elegant ware in America," and instances as "corroborative of this assertion, the beautiful

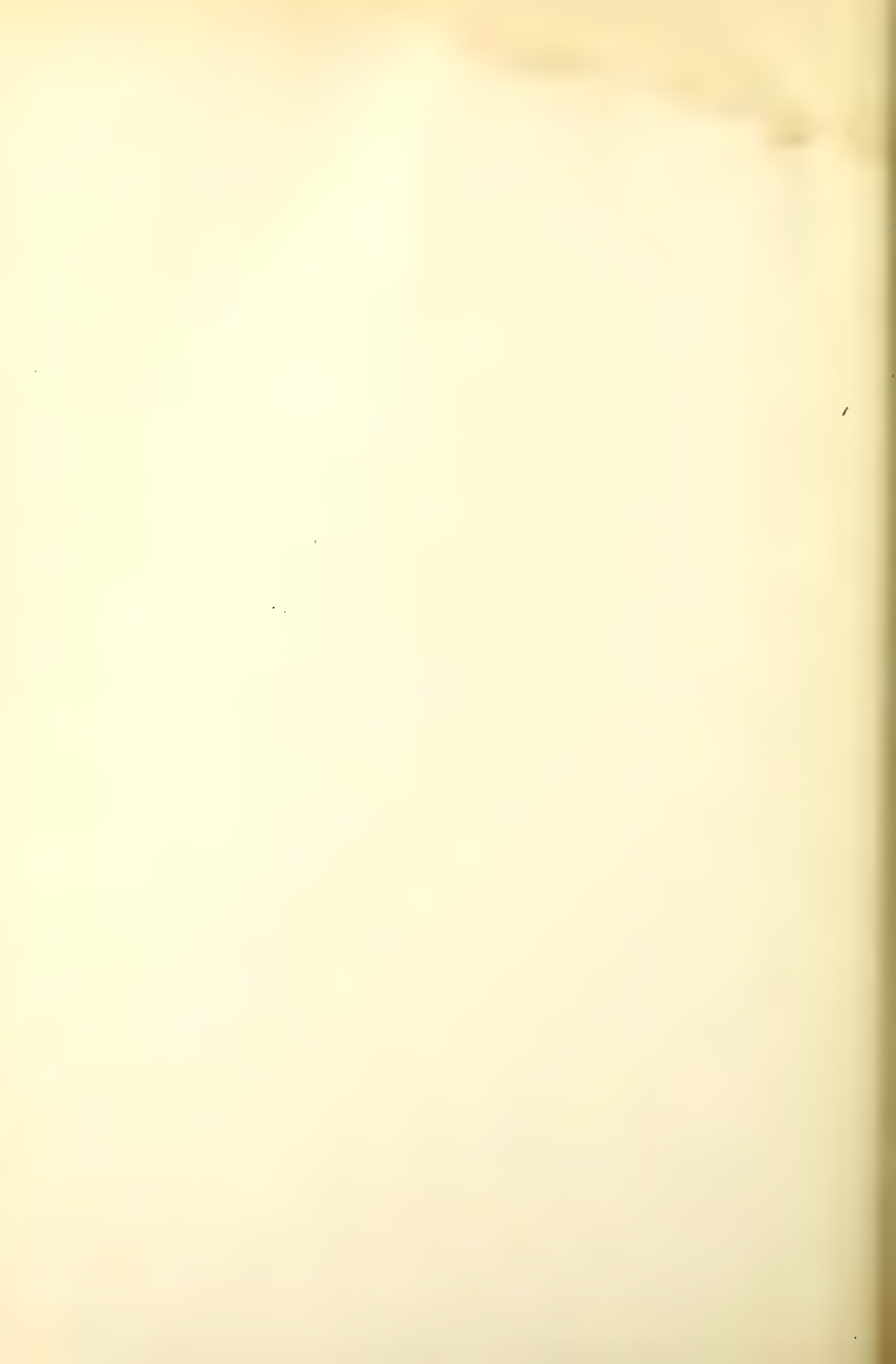
lamps suspended in the hall of the City Hotel, and the general tableware of the establishment."

It will be impossible in this chapter to describe in detail the myriad of separate industries large and small in this State. No other State is so extensively engaged in manufacture in proportion to its area and population as is Rhode Island. Nearly everything needed in the household, in the shop, on shipboard and in outdoor labor is made within its borders. Besides the industries to which reference has already been made it has manufacturers of alarm tills, aluminum novelties, ammonia, arc lamps, artificial ice, artificial work, art needle work, asbestos covering, athletic goods, automobiles, badges, baskets, blackboards and blackboard material, blacking, blank books, boiler and pipe covering, boiler punches, bologna sausages, macaroni, boots and shoes, brooms and brushes, burglar alarms, buttons, butter and cheese, cameras, candy and confectionery, cardboard, card cloths, carriages of all kinds, cash registers, chemicals of all kinds, chewing gum, cider and cider vinegar, cigars, clocks, combs, corsets and hoop-skirts, cop tubes, cotton cans, curtains and curtain fixtures, cutlery and hardware, doors, sash and blinds, screen doors, drums, drain-pipe, dye-stuffs, elastic stockings, electric devices of various kinds including novelties, elevators, emery wheels, fire escapes, flags and banners, flavoring extracts, furnaces, furniture of all kinds, galvanized iron and copper cornices, gas fixtures, gas generators, gas governors, German silverware, gold and silver castings, haircloth, handkerchiefs, harnesses and saddles, hats and caps, horn goods, horse shoes, hose, hydrants, indelible and other inks, iron and wooden fencing, knee-caps, trusses, labels, lathes, lawn tennis goods, lawn vases, letter and newspaper files, lightning rods, lime, looking glasses, loom-pickers, lubricating oils, maps, mattresses, metallic figures, monuments, headstones and statuary, mustard, pickles and preserves, net, fish lines and seines, nickel castings, oil clothing, organs, paints, oils and varnishes, paper and wooden boxes, pen and pencil cases, ring travellers, rubber and leather belting, sails and awnings, shirts and collars, show cases, shell goods, shafting, shuttles, soap and candles, lard and tallow, surgical instruments, spring beds, tanks and vats, tiles, tin ware, tools of all kinds, top roll coverers, trunks and valises, tubing of all kinds, torpedoes and torpedo accessories, umbrellas and parasols, water, naphtha and electric motors, washing powders, washing and wringing machines, wigs and hair work, wire work of various kinds, wooden ware of all kinds, yeast and novelties of every description.

*Josiah B. Bowditch*

The Poor,  
The Defective  
And the Criminal.





## CHAPTER V.

### THE POOR, THE DEFECTIVE AND THE CRIMINAL.

The early settlers of Rhode Island were very poor, how poor we shall better understand when we have considered their treatment of Roger Williams, their leading man and twice their representative in the mother country. When, in 1650, he was urged to appear for them before the Committee on Plantations, they still owed him the sum of one hundred pounds voted him three years earlier in remuneration of his services in getting them a charter, though several attempts had been made to raise the money. The assembly now voted to pay whatever was in arrears, and an additional one hundred pounds, if he would go a second time and advocate their interests. He consented, and immediately it was necessary for him to sell his trading house that his family might have the proceeds to live upon while he should be absent. After his return from this mission, he wrote his friend Gov. Winthrop an extended account of his sojourn abroad, from which it appears that he taught the Hebrew, Greek, Latin, French, and Dutch languages as a means of support, at the same time acquiring an intimate acquaintance with John Milton, the secretary of the council of state, to whom he taught Dutch in exchange for instruction in some other tongue. No more convincing proof of poverty in the colony could be given than that he should be compelled thus to earn his living while employed away from home at the public business.

The case of Dr. John Clark of Newport was to the same effect. In 1664 an audit of his accounts showed that the sum of three hundred and forty-three pounds was due him for expenses incurred while engaged with the colony's business in England, one hundred pounds of which should have been paid him while he was in that country, and a gratuity of one hundred pounds which had been voted him as a recognition of his distinguished services there rendered. To meet this claim with other expenses just incurred, a tax of six hundred pounds was levied. No one hoped that such an amount in money might be collected. All kinds of farmer's produce would be accepted, wheat valued at four shillings and six pence per bushel, peas at three and six pence per bushel, and pork at three pounds ten shillings per barrel. But the towns were impoverished. Warwick protested formal-

ly her inability to pay the sum assessed her. A year elapsed before Portsmouth took any step in the matter, and she then requested of Dr. Clark that he would accept a greatly reduced sum. Providence was equally backward. Other towns did no better. Years elapsed and the tax was still uncollected, remaining thus until it was at last enforced by the act of a subsequent assembly. That it was so with two such valuable public servants as Mr. Williams and Dr. Clark, and that the former was never paid even his personal expenses, witnesses to the deep poverty of the colonists in those early days.

Where all were so poor it must needs be that some were poorer than the many and that a poorer one would from time to time become dependent upon his not much better off neighbors for the means of a bare subsistence. In such cases the claims of charity were not likely to be disregarded by those who themselves were at so short remove from abject want that but a slight mishap would be enough to cast them upon the public bounty. Cases of real need when these were brought to notice did not fail to receive due consideration. Sometimes the needy one would present his own case to the town authorities, and sometimes this would be done for him by a friend or a neighbor. The following extract from a letter to the Town Council of Providence, written by Roger Williams and dated November 11th, 1650, is in point. It reveals a tenderness and a sympathy with the suffering which has not always been recognized as characteristic of the great Puritan Comeouter and Social Reformer.

“I crave your consideration of yt lamentable object Mrs. Weston, my experience of ye distempers of persons elsewhere makes me confident yt (although not in all things yet) in a great measure she is a distracted woman. My request is yt you would be pleased to take what is left of hers into your own hand, and appoint some to order it for her supply, and it may be let some publike act of mercy to her necessities stand upon record amongst ye merciful actes of a merciful town yt hath received many mercies from Heaven, and remembers yt we know not how soon our own wives may be widows and our children orphans, yea, and ourselves be deprived of all or most of our reason, before we goe from hence, except mercy from ye God of mercies prevent it.”

No record remains of the disposition of Mrs. Weston's case, but this may be easily inferred from action taken in another and similar case on the 25th of January, 1651, a little more than one year later, when it was “ordered that the Town Council shall order, dispose, and provide for the subsistence of Margaret Goodwin, as her necessity calls for, and for that end shall take the said Margaret's goods into their hands or her husband's hands and make sale or dispose otherwise thereof for her necessity and return an account to the Towne.” A few weeks later it was further “ordered that the six men formerly deputed to take care of Adam Goodwin's wife during the time of her



distraction shall have power to sell part of her goods left to discharge such debts and charges as they have undertaken for, and to return the rest of her goods to the Towne." One month later the following was rendered as the result of an inquest as to the cause of Margaret Goodwin's decease, she having been found out of doors dead one morning after a stormy night: "The virdict of us—having made inquiry by what witness they can know of or have touching the death of Margaret Goodwin; We find so near as we can judge that either the terribleness of the crack of thunder on the 2nd of the month, or the coldness of the night, being she was naked, did kill her." Whether she was killed by lightning or died of exposure the jury was unable to say.

At a town meeting held November 3rd, 1655, Roger Williams being moderator, it was "ordered yt since our neighbor Pike hath divers times applied himselfe with complaints to ye towne for helpe in this his sad condition of his wife's distraction, he shall repair to the Towne Treasurer, who is hereby authorized and required (as money come into his hand) to pay unto ye said Pike to ye sune of fifteen shillings; and ye Towne promiseth upon his further want and complaint he shall be supplied though to ye value of ten pounds or more."

The following are specimen communications addressed to the town meeting on behalf of needy ones whom the Town Council might possibly overlook. The first is dated April 27th, 1682, and reads, "Whereas you cannot well be insensible of ye condition of our neighbor ye Widow Tabor, how yt she wanteth reliefe as to her maintenance by ye Towne: Therefore I doe adjudge it lawfull for ye Towne to supply her about four pounds of provisions yearly during her life: yr friend Dan Abbot." The other is dated Feb. 4th, 1679, and reads: "My request is yt some timely aid shall be taken for our olde neighbor John Jones for fire wood and some other necessities for his Relefe: yr naber, William Hopkins." We need not question that Widow Taber and Neighbor Jones were given assistance as their needs demanded and the ability of the town permitted.

The case of Edward London was typical. When by reason of "imbercillity and decrippeness" it became necessary that he should have help, the town committed the matter to the council with power to "assess and levy a rate upon the inhabitants of the towne of Providence for the Reliefe of ye said Poore (to witt) ye said Edward London, and to see and provide a place for his abode." The council entered into an agreement with one George Keech to take Edward London into his care and keeping, to find him meat, drink, washing, and lodging for the space of six months, and to receive for so doing the sum of fifty shillings; with the understanding that if the poor man should "fall into some more than ordinary condition or with respect to sickness," he should be further considered and paid for the extra

trouble, and that he should also "have what benefitt he may receive by ye said London's Labor, in which he may comfortably doe." The required tax was levied, and Mr. London was boarded out as was then and for many years after the custom in such cases in every town of the colony. We may hope that he fell into kind hands, and that his last days were peaceful. They were not many days. Something less than a year later Mr. Keech reported that his charge had "dyed on ye 2nd day of January 1694."

So far as appears London was without friends or relatives to whom he could look for help in age and misfortune. When there were such able and unwilling to help the disposition of the authorities was good to compel these to do their duty. The case of John Dalie indicates their method of procedure. The council met January 3rd, 1718, to take measures for his relief. He was an old man having grown children, a son named Joseph and two daughters married respectively to John Rhodes and Maurice Broock. Dalie was living in the house of Rhodes, which the other children were quite willing he should do without cost to themselves—not an uncommon state of affairs. Rhodes seems to have been willing to care for his father-in-law, but he was determined that they should meet a portion of the expense thus incurred and to this end he brought the matter to the attention of the council. The council ordered that the son Joseph pay twelve shillings and six pence, and the son-in-law Broock eleven shillings and six pence to Rhodes for keeping the old man during the six weeks last past, and that thereafter he should receive five shillings per week until further action by the council. A month later it was again ordered that five shillings per week be paid to Rhodes. It appearing that neither of these orders had been heeded, an adjourned meeting of the council was called for March 10th, and notice was sent to each of Dalie's children, each of whom failed to appear, and the above order was again reaffirmed. At a second adjourned meeting held April 28th, Joseph Dalie was ordered to give bonds in the sum of ten pounds for the payment of all charges standing against him for the relief of his father. He gave the required bond, and did not make the stipulated payment. The council being again in session on May 10th and Joseph Dalie making no appearance, it was voted that a writ be taken out against him to secure the obligation which he had taken upon himself two weeks earlier. It was also ordered that the father of such an unfilial son continue with his daughter Abigail (Mrs. Rhodes) until some other order should be made by the council. On the 9th of June Maurice Broock came before the council and promised to take care of his father-in-law and to "provide for him one whole yeare for the sum of six pounds;" Joseph Dalie agreeing to pay three pounds and ten shillings of this sum to Broock, "and Joseph Dalie doth also promise to give his said father a new shirt." We may suppose that the old man remained at the house

of the Broocks during the next twelve months, at the end of which period he was again with his daughter Abigail, with whom he probably remained thereafter till the end of his life.

Information being brought to the council that "Stephen Capple" and his wife were both sick and old and likely to suffer unless helped, the overseer of the poor was ordered to visit them and provide for their immediate needs, and draw upon the treasury of the town for any expense that should be incurred.

Complaint was made to the Providence town meeting Sept. 19, 1693, that Andrew Edmunds<sup>1</sup> had deserted his wife and children, that for a year he had done little or nothing for their support, and that she did not know where he had gone. Being unable to find bread and shelter for all who were thus made dependent upon her alone, she was forced to bind out her children, and wished assistance from the town in the matter. Her case was referred to the council, and she was suitably relieved.

One James Bick came with his family in 1688 from Mendon, a town in Massachusetts, and became a resident of Providence by the purchase of land. His wife had been a widow before her marriage to Bick, having several children by a former husband for whom Bick undertook to provide. It seems that his way of doing this was unsatisfactory to his neighbors, and complaint was made that they were in want of clothing and other necessities of life, so that they "were likely to perish." They went thus to Jonathan Sprague, their uncle, who applied to the council for advice and assistance. Bick and his wife being summoned before the council did not appear, and the want of the children being present and imperative, Mr. Sprague was advised not to let the children suffer, and it was promised that whatever he might do would be regarded as the act of the council. The relief granted was made to correspond in nature and method with the needs of the case in hand.

A remarkable instance of this is on record. One John Tabor<sup>2</sup> was impoverished in a day by the burning of his house and goods. He had no land to till and no means of securing a livelihood. He represented his destitute condition to the town meeting, and petitioned that twenty acres of land be allowed him on the northern bank of the Wesquadameset river. After due consideration as much land as he desired and in the location named was granted him for his use during his life time, and if he should die before his wife for her use so long as she should remain his widow; after his death and at the termination of her widowhood the land to revert to the town, unless he should have children when this land would "be unto him and his heirs forever."

It was a matter of conscience for each town to care for its own

<sup>1</sup>Early Records of Providence, vol. xi, p. 68.

<sup>2</sup>Idem, vol. xi, p. 7.



poor, and in the main this was cheerfully done. But they were endowed with but a small measure of riches, and there was nothing to spare for unworthy applicants or for those whose relief was of right the business of another town. Each case was therefore carefully scrutinized, the immigration of persons likely to become objects of charity was vigorously discouraged, and when such a person did get into the town he was returned with slight courtesy to the place whence he came. At the Warwick session of the general assembly held in 1682, all question as to the right of the town council to reject persons desiring to dwell in the town was settled upon the application of the deputies from Providence. It was decided that any person might be rejected, who should fail to give bonds satisfactory to the majority of the council; and that if any one on being warned by the council to leave the town should refuse to do so, a warrant for his forcible removal might be issued to any constable, and in case he should thereafter return, he might be fined and whipped. The law thus announced was never permitted to become a dead letter in the statute book.

The method pursued is clearly seen in cases recorded in the Early Records of the town of Providence. A person, "Nathaniell ffox by name," having come into town, and being one "of no good fame," and likely to be "troublesome to ye towne," the council in 1694 ordered that he should within a month remove himself or else give bond that the town be indemnified for any expense accruing from his presence, or be proceeded against as the law required. At the same meeting the case of Susannah Sheldon was considered. She also is said to have been "a person of evill fame" who having come into the town had been cited before the council, but instead of doing so had left the town for a little time, afterward returning. She was now "warned in by a summons," signed by each member of the council, that she might state why she returned and give account of herself generally in such other matters as they should think proper "to examine her about." Evidently she had no desire to be examined in the way proposed for she did not appear on the day appointed, or so far as appears at any later date.

One John Gurney came into Providence with the intention of residing there. Evidently he brought with him no wealth. The attention of the council was at once called to his coming February 4, 1695-96, and the decision was reached that he "hath naught to maintaine him or supply his wants," and that "he as others are liable to fall into a condition of sickness, lameness, or otherwise as wants may accrew," and that he "doe betweene this day and the 14th day of this instant depart out of ye jurisdiction of this Towne, otherwise to be delt withall according as ye law in such cases requires." He went as ordered and very soon came back as was not desired; when an order was promptly given that he be apprehended and made to pay a fine of five pounds

or be whipped "upon his Naken Body," and thereafter be taken by the constable out of town. There is no report that he was "of evill fame;" he was only a very poor man who wished to live a little while on the earth, and those who had come somewhat earlier into the town would not permit him to live where he might in any way become an expense to them.

William Garratt came from Newport with his family to live in Providence in 1693. A doubt was expressed by several residents whether they would be able to live without public aid, and the council ordered them to get out forthwith. However, it was December, the cold was severe, and the children would certainly suffer, perhaps their lives be in danger if they were to be just then removed; and the rigor of the order was relaxed so far that the man might not be molested if he should take himself and his family away before the middle of March. The thing was hard, but there is ground for the belief that the difficult conditions of their life made our fathers harder in deed than they were in heart.

It was in the same year that John Warner of Marlborough having brought two young children with him and taken up his abode in the family of Joseph Woodward, was given four weeks in which to offer satisfactory sureties that his remaining longer should not be a cost to the town, or to remove himself with his children at once, or to suffer the penalty in such cases prescribed by law.

A child, a girl, was born of an unmarried mother in the month of August, 1692, at the house of John Malavory, the mother afterward returning to Boston whence she had come in her trouble, leaving the child to be nursed by Malavory's wife. He was thereupon required to secure the town against any expense that might arise from the child's remaining in the town. He agreed to do this, but afterward requested time to bring the mother from Boston that she might claim the child as her own before the magistrate, and became responsible for its support. The case dragged itself through several meetings of the council and how it was at last disposed of does not appear in the record. This is not the only case of this kind with which it became necessary to deal.

Illegitimacy was a not uncommon offense against the morals of society at any time in the first century of our colonial history, but it seems to have been considered by the authorities mainly as it bore upon the question of expense to the town. Only when mother or child, or both, were likely to become chargeable to the town for their support was the town interested, and then there was no lack of interest. It was only natural that the unfortunate, often a mere child in years, and friendless, should seek to hide herself for a time at least where she had not hitherto been known, and where she could find some one very likely as poor as herself who for sweet charity's sake would take her in and provide

for her in her extremity. But every such case might easily be the occasion of a call upon the public funds, and so must not be overlooked by men in authority.

Thus came Mary Wormwood, in 1696, likely to become town chargeable, and a meeting of the council being called to consider the matter, a warrant for her apprehension was issued and put into the hand of the constable to be served at once. The constable could not find her, but reported that one Joseph Latham said that she was his servant and that he would defend her against arrest. There is no record that she was afterward if found in any way molested. Probably Latham's championship saved her.

Mary Clark, a stranger, or vagrant, for these terms were used interchangeably, was in January, 1692, examined concerning her coming into town. She had lived in Newport, and said that the father of her child was Abel Tudor, a sailor now in the West Indies, to whom she was not married; and though she had sometimes avowed herself to be the wife of one Smithson, she now said that she never had been any man's wife. She also said that John Moore, a hatter living in Bristol, had brought her to Providence. Daniel Browne and Benjamin Hearnton bound themselves severally and jointly that the town should never be at any cost for her or her child and no further proceedings were taken against her. If the town were secured Browne and Hearnton might provide for her and the town council had no further interest in the matter.

Elizabeth Colwell, who had been for some years at Newport, became an unmarried mother in that town. Coming to Providence a little later, she was called before the council in January, 1693, to whom she promised that she would with satisfactory sureties secure the town or else go away, and when at the end of three months she had done neither of the three things, it was ordered that she with her child return at once to Newport, with a threat that unless she did so voluntarily she would be carried there by force.

Rebekah Bullard, January, 1693, became an unmarried mother in the home of Joseph Jenkes, a magistrate. She being a stranger in the town, Jenkes at first promised to give bond for her, and then neglected to appear before the council on the day appointed. The council now declared "that they have proceeded in the matter as farr as they Can for they have not power to command the said woman before them and the said Joseph Jenkes being a Magistrate hath not done it, nor appeared for her according to promise; therefore the defect lieth in him and must lye at his dore, and not in the rest of the Councill." In her misfortune she was fortunate in having for her friend one in official position.

A woman about to become a mother was, February, 1694, at the home of Thomas Harris and as she did not belong



to the town, the reason of her being there must be explained to the council. She said her name was Hannah Hayman, that she was the wife of John Hayman, who sailed from Boston six months before; that she lived in Boston in her hired house; that she came from Boston by way of Dorchester, Dedham, and Wrentham, to David Whipple's house on the north side of Pawtucket river; and that from the last named place she was brought by Joseph Cowell, Whipple's son-in-law, to the house of Thomas Harris, and that Whipple took of her two shillings for the ride to Harris's house, where she had since been. It was in February, and they were in the midst of a violent snow storm such that she could not be at once removed but at "great danger and hazard of her life;" but at the end of a week it was ordered that she be taken to Justice Peck of Rehoboth, by whom she would be forwarded to Boston. The way of the transgressor was made very hard when her transgression was likely to bring expense upon the town, and no less hard when the transgression was as in this case only a suspected transgression on the part of one who appeared "a person vagarent."

Otherwise the matter was easily passed over. She was thought not so much a sinner as the rather unfortunate victim of ill luck, the natural consequence of her fault being its sufficient punishment. There would be some gossip among the neighbors, some censure from her relatives, and more or less of sympathy from her friends generally; but on the whole it was her own affair with which when they were not to be in any way losers, they need not seriously meddle.

When Abigail Curtice, a single woman, who was brought before the magistrates and questioned as to the daughter which had been born to her a few weeks earlier, and had the law read to her, she promptly declared herself competent to provide for her child without help from the town, and cleared all persons from pecuniary liability in the matter, the court declared itself satisfied, dismissed her, and at once adjourned.

A young woman's prospect of marrying respectably and of moving thereafter in respectable society, do not seem to have been seriously impaired by her having already shown herself qualified to discharge the functions of a wife and mother. John Whipple, jr., was a man of some prominence in his day, whose name frequently appears in the town records. His wife Liddea (Lydia) was the mother of a boy previous to her marriage. This boy she called Job. Others called him Liddea's Son, and sometimes Job, Liddea's Son. This last title easily became in common speech Job Liddeason, by which name he at last came to be universally known. He accepted it as his name, and he was recognized by it in various legal papers. He could not claim the name of a father whose paternity had not been in any lawful way established. Very likely his mother's husband held him in no great regard,

and did not wish him to bear his name. And for him to bear his mother's maiden name might be the occasion of a lifelong embarrassment. So he became Job Liddeason. He seems to have lived with his mother and her husband till he was seven years old, when by his own act and their act he passed from under their control. By this time he seems to have become an undesired inmate of the home. The instrument by which this action was made legal and binding upon all concerned preserved among the Early Records of the town of Providence, vol. 4, p. 156, only modernized as to the spelling and use of capitals, is as follows: "This indenture made between Job Liddeason, John Whipple, jr., and Liddea, the wife of said John Whipple, jr., all of Providence in the colony of Rhode Island and Providence Plantations in New England on the one party, and John Sayles of the town of Providence aforesaid on the other party witnesseth: that the said Job Liddeason doth with the full and free consent of the said John Whipple, jr., and of Liddea his wife put himself an apprentice under the said John Sayles and his assigns for the full and just term of fourteen years from the twenty and fifth day of December last past, the which said term of time will end on the twenty and fifth day of December in the year 1709 and the said John Whipple, jr., and Liddea his wife doth put the said Job Liddeason son of the said Liddea the wife of said John Whipple, jr., an apprentice under the said John Sayles and his assigns for the aforesaid full and just term of fourteen years from the twenty and fifth day of December last and from thence forward until fourteen years be fully ended and completed. During which term of time the said Job Liddeason shall well and truly serve his said master, his master's goods or substance he shall not waste but at all times endeavor to prevent any damage to his master and upon knowledge or suspicion of any detriment likely to befall his said master to inform his master thereof, his master's secrets he shall keep and at all times he shall obey all his said master's lawful commands, fornication he shall not commit, neither shall he contract matrimony with any person during the said term of time, taverns nor ale houses he shall not frequent unless it be about his master's business, neither shall he use any unlawful games, he shall not absent himself from his master's house or service by night or by day unless it be with his master's consent and allowance, but at all times shall be careful, diligent and trusty about his master's business and in all points shall behave himself as an apprentice ought to do, and the said John Sayles doth covenant, promise and grant to and with the said Job Liddeason that for and during the said term of time to keep him with sufficient meat and drink and apparel and what other necessities to an apprentice doth belong and to endeavor to learn him to read and write and at the end of said term of time to set the said Job Liddeason free and to allow him two sufficient suits of apparel. In witness of the premises both parties do

hereunto interchangeable set their hands and seals the thirtieth day of March in the year one thousand six hundred and ninety-six." It may be of interest to add that Mrs. Whipple and her boy signed this to the boy very important document each with a cross, neither being able to write; and that the document itself was not recorded by the town clerk till after it had been executed a period of full nine years.

There was a legal and a proper way of becoming a resident in the town, and great care was taken that to this strangers should strictly conform. One Benoni Woolley came into the town in an irregular way, and complaint was made to the council that he was acting as though he were an inhabitant, and in an unlawful manner had destroyed some of the town's timber. The matter was referred to the next town meeting, January 15, 1695, which decided that it would "not admitt nor give any allowance to the said Benoni Woolley to make Residence or abode in our Towne." It does not seem that he was much influenced by this action. He remained in the town, and gained for himself a standing among his neighbors. When he died intestate sixteen years later the council tendered letters of administration to his wife which, she refusing them, were afterwards granted James Bick, who a few years earlier when he came to town was so poor that help was offered him by the town to support his many children.

In January, 1694, Thomas Elwell<sup>1</sup> of Swansea in the colony of Massachusetts would have hired a farm and obtained a residence, but when he could not convince the town that he would be able to support himself and family, and indeed had not yet bargained with any one for land to till, cause did not appear for granting his request.

Cornelius Darling<sup>2</sup> of Mendon, in the same colony, likewise petitioned for a residence, but inquiry having been made and the circumstances considered, and the matter put to a vote, his request was likewise refused. Henry Stacy, coming from the town of Lynn, in the same colony, being about to rent a farm belonging to the heirs of Josiah Wilkinson, deceased, petitioned for a residence, easily convinced the town that he was not likely to become burdensome if he were admitted, and had his request promptly granted by a vote that was unanimous. Both these cases occurred in 1692.

Richard Blanchard and wife also were tried and found not wanting. They had lived to the eastward and had been compelled to find a new location by reason of frequent Indian wars. Having now petitioned for a residence in Providence, after a careful inquiry as to their circumstances, their request was granted, with only a stipulation that they should behave themselves "sivell and orderly in ye Towne."

William Ashley's<sup>3</sup> case was peculiar. He had lived in the town of

<sup>1</sup>Early Records of Providence, vol. xi, p. 2.

<sup>2</sup>Idem, p. 33.

<sup>3</sup>Idem, p. 14.



Wells and in Boston, when he came to Providence, and after staying three months with his family in the family of Abraham Hardin requested that a residence be granted him. After due consideration it was decided that his request be not granted and at the same time that no haste be made to remove him; in the meanwhile if he should fall into want he might find relief wherever he could legally demand it. They would not receive him; they would not drive him away; they would not be responsible for him as a resident.

So provision for the poor continued to be administered for generations by the citizens as a body assembled in town meeting or through the council. When at length it became the custom to elect overseers of the poor, whose title sufficiently indicates the duties of their office, in their hands was placed the whole matter of poor relief. Theirs was a thankless office. Its incumbents were subjected to unfavorable criticism on all sides. At one time it was impossible to find men willing to undertake its functions, and to relieve the situation it became necessary to impose a fine upon such as having been elected refused to serve. Further to relieve the situation of its difficulties, overseers were empowered to bind out to service all idle and shiftless persons with parties who were expected to get out of them work of a value greater than the cost of keeping them. Also a law was enacted to the effect that helpless poor and disabled persons be supported by their relatives; the justices of the peace being instructed to see that this was done.

From time to time exigencies would arise calling for extraordinary methods and measures. In 1774 ships of war laden with troops came in such numbers into Boston Harbor that the town was but a vast camp and all business being suspended the distress among the poorer classes became extreme. Contributions of money and supplies were sent up from all over New England, and Rhode Island was not in this behind her neighbors. In Providence, at a special town meeting called for the purpose, the deputies of that town were instructed to procure from the general assembly a grant of money in aid of the sufferers; a like action was taken at Newport; but the general assembly did nothing. What the representatives of the people would not do in general assembly at the people's request, the people themselves at once set about doing in their own way. Large sums of money were raised in Greenwich, Newport, Johnston, and Westerly, while Bristol, Warren, the Kingstowns, Glocester, Scituate, North Providence, Coventry, Smithfield, Johnston and Tiverton sent large flocks of sheep, and Cranston herds of fat cattle to the beleagured city. Providence sent one hundred and twenty-five pounds and Little Compton thirty pounds in money.

A year later the distress of the poor at Newport and on the islands in Narragansett Bay became very great. Newport memorialized Con-

gress and petitioned the general assembly for aid, and appropriated two hundred pounds to remove such poor persons as could leave the town and to support such as must remain. Creditors forebore to bring suits on overdue claims for whose protection from loss and ultimate bankruptcy the statute of limitations was repealed. Providence came forward with a generous offer which was accepted by Newport to receive and care for four hundred of the poor of that town. In 1777 the distress became so great among these refugees, two hundred and fifty of whom were wholly without means of support, that an appeal on their behalf was made through the press to the country at large. Next year the scarcity of provisions was so great that an act was passed by the general assembly permitting the poor of Newport to scatter themselves at will over the state, and providing for their settlement and support in the different towns. Two thousand persons went forth penniless and homeless, the larger number of them to Providence. Congress voted five hundred pounds for their relief. Deputy Governor Brown and President Manning of Brown University were sent to ask leave to buy grain in Connecticut; others were sent to the same colony seeking donations of money and food. Within two months donations amounting to five hundred bushels of grain and four thousand three hundred pounds in money were collected in response to this call. The following winter was one of unusual severity. The entire Bay was frozen over for six weeks, the ice extending out to sea as far as the eye could reach. Fuel became very scarce, wood selling at twenty dollars a cord at Newport and Bristol. Corn was held at four dollars a bushel and potatoes at two dollars a bushel. Whatever could be done for the poor was done, but it was little, and their condition was pitiful. Those were black days.<sup>1</sup>

In 1723 the first almshouse in Rhode Island had already been built in Newport by vote of the town.<sup>2</sup> Here the poor, the sick, the blind and the insane were huddled together without attempt at classification of any sort in indiscriminate misery. Such as were able to labor a little were employed in the workhouse near at hand picking and spinning oakum. All who were sent there went with a fixed idea, well founded, that their next removal would be to the paupers' corner of the adjacent burying ground. Those who could do so were permitted on all days but Sunday to hobble about the streets in rags and wretchedness begging tobacco or money from citizen and stranger alike.

Many plans for the improvement of affairs were from time to time suggested by broad minded and generous citizens, but these were all talked down one after the other, on the ground that no change could be made without increase of expense to the town. At length, a project was started by a few prominent gentlemen looking to the erection

<sup>1</sup>Arnold, vol. ii, 435.

<sup>2</sup>Arnold, vol. ii, 74.

of a suitable building in a suitable location, which should have connected with it a tract of farming land on which those able to work might be profitably employed. This project was submitted for consideration at a special town meeting numerously attended and it being generally approved, a committee was appointed to recommend a location. Coaster's Harbor Island, containing about ninety acres of excellent suitable land, situated about a mile north of the compact part of the town, and separated from this by about ten rods of water, was selected by the committee and approved at a subsequent town meeting. On this an edifice of stone was erected, which was at the time, and for many years after, thought to be complete in all its appointments and admirably adapted to its purpose. It continued in use till a few years since when Coaster's Harbor Island was purchased by the United States government and made the site of a naval school. In 1850 its value was estimated at fifteen thousand dollars. The occupation of Coaster's Harbor Island property was the beginning of better days. A new order and spirit entered into the management, and in every way into the provision made for the poor of Newport. They were now comfortably housed, clothed and supplied with an abundance of wholesome food; while the streets were no longer infested with beggars to the disgrace of the town and the disgust of all decent citizens.

The following was the bill of fare for the inmates in the year 1850: Breakfast—Rye and Indian bread with good milk porridge.<sup>1</sup> "Supper—Flour and Indian bread with good milk porridge, Sundays excepted, when tea and coffee, sugar and molasses, with butter at each meal shall be substituted. Dinner: Sunday—Boiled Indian or rice pudding, with milk or molasses. Monday—Boiled beef with all kinds of seasonable vegetables in sufficient quantities. Tuesday—Minced salt fish and potatoes fried in fat. Wednesday—Stew of fish or meat. Thursday—Pork and beans with other vegetables. Friday—Fish as on Tuesday. Saturday—Soup of a nutritious quality, and at every meal bread in a sufficient quantity.

Both the men and the women who make themselves useful about the house and farm have tea, coffee and butter daily, with meat three times a day if they request it. The sick are fed under the direction of the physician and are furnished with everything their appetites require—old people likewise. Sweet green corn, apple dumpling and fried fish occasionally. At Christmas, roast turkey, etc."

The Newport asylum was, in its day, a model institution, and its high standing has been maintained until the present.

In 1738 there was a project to establish in Providence a county workhouse for the poor, and William Hopkins was selected to represent the town in the matter; but the design was never carried out.<sup>2</sup> Its

<sup>1</sup>Hazard's Report, 72.

<sup>2</sup>Staples's Annals, 194.



agitation was renewed fifteen years later by the towns of Providence, Smithfield, Scituate, Glocester and Cumberland, and the scheme presented to the legislature. The erection of such a building was authorized, the oversight and management of it to be in the hands of five persons, one from each of the towns named. It was also permitted the towns in Bristol and Kent Counties to join in the enterprise. The cost was to be met by taxation and the paupers who should be admitted were to be supported by the several towns from which they might come. If such an institution was ever established it did not long continue a joint concern. But from this movement, at a later date, resulted the Providence poor house or "Old Workhouse," which stood for many years on the corner of Smith and Charles streets, and in which some paupers continued to exist until the Dexter asylum was opened in 1828. Long before this time it had, however, become a place of punishment rather than of relief.

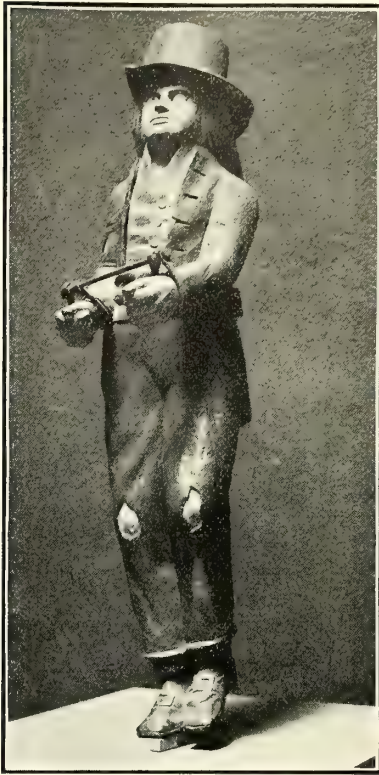
The following rules, framed by a committee appointed for the purpose and ratified by the freemen of Providence in town meeting assembled one hundred and fifty years ago, will some of them have a strange sound to modern ears:<sup>1</sup> "That the master keep the gates at all times well secured and a proper person be appointed to take care of the same who shall admit none nor let any out without liberty of the master or in his absence of the next officer, and if any be desirous to see or speak with any of the persons admitted to the house, the door keeper is not to call them without leave; and if any persons be suspected of bringing in any strong liquor or carrying out anything belonging to the house or any person therein the door keeper is to stop them and give notice to the master that so due inquiry and search may be made for them and the guilty punished; but yet all such as in an orderly way would see the house shall be treated with proper respect and civility by the master and in his absence by the next officer of the house."

"That the mistress take care that the victuals be well and seasonably dressed, and bread and beer seasonably prepared according to the direction of the overseers; that the rooms be swept and beds made every day, that the windows be frequently opened for airing the house, that the house be washed as often as shall be judged necessary, that the table linen, dishes &c. be clean, that the people be kept clean and neat in their apparel and have clean linen to shift once every week and the beds shifted once a month in the summer season and that for her assistance there shall be proper persons appointed by the overseers or their committee for these services as well as for other necessary occasions of the house."

"That none shall be admitted into the house without a written order

<sup>1</sup>Town Papers.

under the hand of one or more of the overseers and that upon their admission they be examined whether they are free from lice and foul distempers; and such as shall not be found clean shall be put into some particular room till they be perfectly cleansed and that they be obliged to take care to keep themselves washed and combed and their clothes neat and whole and to change their linen once a week."



This image was formerly located over the door of the Kent County Jail at East Greenwich, where it remained from the latter part of the eighteenth century to the middle of the nineteenth century, when it was removed and deposited with the Rhode Island Historical Society.

capacitated him by his earnings to have comfortably provided for his family, it being judged proper to order such persons to the house and employ them there, in that case account is to be kept of their earnings, a reasonable deduction for their support in the house to be made, and the overplus to go to the support of their families."

"That they be allowed from the hour of twelve to one for the time

"That they constantly attend the worship of God in the house and observe the rules prescribed for their meals."

"That when any children shall be received into the house there shall be some suitable women appointed to attend them, who are to take care that they be washed, combed and dressed every morning and taught to read and instructed in the Holy Scriptures and assemblies catechism at such hours as shall be appointed by the overseers and that the rest of their time be employed in such work as shall be assigned to them, and when they arrive at a suitable age they shall be bound out into good families as the law directs."

"That the common work of the house be picking oakum unless for such tradesmen whose business may be well accommodated in the house and it shall be judged profitable to employ as tailor, shoemaker, mopmaker, nailer, &c."

"That whereas the poverty and ruin of many families is often owing to the idle and vicious course of one of the heads of it, who if he had been bred to some good trade industriously practiced would have

of dining and that from eight to nine in the morning and from six to seven in the evening be allowed for the other meals and for attendance on divine worship."

"That the master every morning between the hours of eight and nine and every evening between the hours of six and seven call the people together and read a suitable portion of the Holy Scriptures to them and pray with them and as often as they eat together ask a blessing and return thanks. That he take special care that the Sabbath be duly observed, and besides the morning and evening service he shall be obliged until other provision be made to call the whole family together at least one part of the day and spend a suitable part of the time in praying, singing psalms and reading some particular discourses of divinity that shall be appointed by the overseers."

"That all immoralities and disobedience to the government of the house and other misbehavior be by the master noted in a book and laid before the overseers or their committee that by their authority and admonition such rudeness and immorality may be restrained and peace and good order maintained and all obstinate, perverse and unruly persons punished according to their crimes."

"That such as shall duly observe the foregoing order and faithfully perform their several duties shall be entitled to one penny out of every shilling they earn to be disposed of by the overseers for their greater comfort."

"That whereas some slothful persons may pretend sickness or lameness to excuse themselves from labors it is ordered that such persons shall pass a proper examination by the physician and if it should appear from his report and other concurring circumstances that those persons made false excuses they shall be punished by such an additional labor to their daily stint or some other way as the overseers or their committee shall determine."

"That no persons presume to beg money or any other thing directly or indirectly from any person that shall come to the house to visit on penalty of being denied their next meal."

"That no person presume to go out of the house without liberty and that everyone that obtains leave shall return in good order at the time appointed on penalty of being denied going out for one month for the first offense and for three months for every offense afterwards."

"That if any person shall neglect to repair to their proper places for work or being there shall refuse to work, loiter or be idle, or shall not well perform the task of work set them, or shall waste and spoil any of the materials or tools of the several manufactures, or shall deface the walls or break the windows, or shall disturb the house by clamour quarrelling fighting or abusive language, or shall bring any strong liquors into the house without leave, or shall be absent from divine service without reasonable excuse, or profane the Sabbath, or carry it



disrespectfully to their governor, or shall be guilty of lying or wanton and lascivious behaviour, or shall drink to excess, or steal, or profanely curse and swear, or in any other respect act immorally or irregularly, they shall be punished either by denying them a meal or a whole day's allowance, or by gagging, or by causing them to wear a collar round their necks with a wooden clog, or by obliging them to stand on a stool in a public place with a paper fixed on their waist denoting the crime in capitals for the space of one hour, or by ordering them into the dungeon to be kept with bread and water not exceeding forty-eight hours, or by an addition of labor to their daily task according to the nature and circumstance of their crime."

"That if any person in the house shall discover any other person who shall be guilty of any of the foregoing offenses such person shall receive some reward or encouragement as shall be ordered by the overseers or their committee, and if any person shall know of any of the offenses aforesaid and doth not discover the same such person shall be punished according to the discretion of the overseers."

"That the overseers at their monthly meeting or the committee of overseers be further empowered to punish such persons as shall be legally committed to the house and who shall threaten or attempt to make their escape or such as having made their escape shall be again committed by fixing a wooden dog with an iron chain to one of the legs of such offenders." "Small beer may be given as there may be occasion."

In 1803 attention was again called to the support of the poor in Providence. At that time forty-one persons, of whom twenty-six were children, were wholly dependent upon the town for support. Most of these were boarded out with those who would contract to keep them at the smallest cost. Their support with that of others who were but partially dependent aggregated for the year ending June, 1803, the sum of \$3,660. At this time it was recommended by a committee appointed to consider the matter that until an almshouse for the poor and another house for the idle, intemperate and disorderly could be erected, the overseers of the poor should continue in their old method of sending a few to the "Old Workhouse" and boarding out the greater part with whomever would take them for the least money. No change was made in method until long after this date.

On the 10th of August, 1824, Ebenezer Knight Dexter died, leaving the bulk of his fortune accumulated in Providence and amounting to some \$60,000 to be used for the benefit of the poor of his native town.<sup>1</sup> Such a gift was received with expressions of profound gratitude by the people. The fund was to be denominated the Dexter Donation and was to be under the control of five commissioners who should be

<sup>1</sup>Staples's Annals, 389.

known as the Commissioners of the Dexter Donation. Isaac Brown, Caleb Earle and Truman Beckwith were made a building committee, who proceeded at once to erect an asylum in accordance with views which had been expressed by Mr. Dexter, the cost of which amounted to \$43,000. The location had been selected by Mr. Dexter on high land about a half mile in a northeasterly direction from Market Square. The building was made to front the south, being 170 feet long and consisting of three sections, a center and two wings. The center measured 50 feet front and 55 feet from front to rear, projecting 10 feet in advance of the wings. Each wing measured 60 by 45 feet, and was two stories in height. The center building was three stories high, and in the third story was a commodious chapel. The roof of the center building was surmounted by a finely proportioned cupola with ball and vane. The style of architecture was Roman Doric. It stood and still stands on a plot of ground containing about 40 acres, surrounded, by the explicit directions of Mr. Dexter, with a stone wall 3 feet thick, 8 feet high and 6,220 feet in length, its cost being about \$22,000.

This asylum was first occupied in 1828 with sixty-four inmates, five of them children. Mr. Gideon Palmer was the first master, holding this position for many years. In 1842 the number of inmates had increased to one hundred and three, fifteen of whom were children. Such as were able to do so were required to labor for the city, though it was soon discovered that a person who could not support himself at large must be able to contribute but little towards his own support in an asylum. The wants of the sick and feeble poor were now better than ever before supplied, and the sorrows of poverty-stricken age were greatly lessened. One-fourth, however, of all the inmates were insane. The disadvantages arising from their presence soon appeared. The sane were rendered less comfortable than they otherwise might have been and the expense of the institution was greatly increased. At the same time little could be done to improve the mental condition of the insane. But at that time and for many years subsequent to that date, no better way of taking care of the insane appeared.

Four different modes of providing for the poor were now pursued in the various towns of the state.<sup>1</sup> As late as the year 1850 the custom of selling the care of these at public auction to the lowest bidder still prevailed to some extent. The cruelty of this ought to have sooner condemned it everywhere. Practically it was offering a reward to the avarice and inhumanity of the man who would consent to neglect them more flagrantly and to inflict upon them a worse abuse than any other man in town could be induced to practice.

It was useless to resolve that only the bids of good men should be

<sup>1</sup>Hazard's Report.

taken, and that overseers should visit them from time to time and that bonds should be required from the successful bidders for their proper treatment. Then, as now, a bad man was often a good politician, and there was never any guaranty that such a man might not be at once both overseer and surety of the keeper as well as a sharer in the profits of his venture. A humane and conscientious man could scarcely be a keeper of the poor. There was small hope that the poor would in any case be made comfortable under this system. There were indeed such instances, but they were rare exceptions to the rule.

Some towns contracted with an approved individual or with a number of such individuals for the maintenance of their poor, a method certainly far superior to the auction block, and when carried out in good faith with a liberal spirit differing but little in merit from that of the asylum into which many who must receive public aid were compelled to go. A better plan than either of these was rapidly growing in favor. That of placing in an asylum or almshouse such as were homeless, friendless and helpless, and administering a measure of outdoor relief to such as were not so utterly bereft. If this method afforded some opportunities for imposition on the part of the poor, it could only be through the connivance, carelessness or neglect of officials; while each of the other plans noted was sure to subject the poor to impositions which they were less able than the public to endure. The better way was increasingly recognized and acted upon as the years passed, till in 1850 not less than fifteen of the thirty-one towns in the state were thus providing for their dependent poor, each sustaining an asylum located on a farm which was the property of the town.

In this year (1850) under a resolution adopted by the legislature, the Governor appointed Mr. Thomas R. Hazard to inquire into the provisions made for the support of the poor and the insane throughout the state. He visited all the towns, except New Shoreham, and personally inspected the several asylums, learning the names of all inmates, making himself familiar with the facts of each case so far as this was possible, and making voluminous notes of his observations. Such a work had never before been attempted. It was well and thoroughly done. What he saw he told, good and evil alike. A man of generous heart and sympathetic impulses, independent judgment and fearless utterance, careless of favor and regardless of censure, he presented a report which was of great value.<sup>1</sup> He found much to commend and not a little to condemn, and with equal candor, he bestowed upon each what was its due. He named the town in which he found most of humanity and of a wise kindness, and the other town in which he could discover little beside rudeness, vulgarity and brutal

<sup>1</sup>Hazard's Report on the Poor and Insane in Rhode Island, made to the general assembly at its January session, 1851.



treatment of the helpless; the town where were cleanliness, good cheer and a plenty of wholesome, well cooked food, and the town where were dirt, despair and an insufficient supply of half grown, soggy and inedible potatoes, constituting the entire bill of fare for a dinner to be eaten by a collection of unfortunates, consisting mainly of aged women and children under twelve years of age; the town whose rules for the government of its asylum were nearly all in the way of duties and restrictions laid upon the keeper and matron and designed only to secure the comfort and well being of those committed to their charge, and the town whose rules were admirably calculated to make easy all manner of abuses, prescribing for slight offenses modes of punishment which can be suitably characterized by no word weaker than inhumanity. He said of some towns, calling these by names, that their asylums were pleasantly and conveniently located and well arranged to accommodate those for whose comfort they were established, and that these were conducted in a wise and benevolent spirit; and he said of the poor in another town, calling this town by name, that he found them "in the most deplorable conditions imaginable. The house in which they were huddled was old and dilapidated and the furniture provided by the town was absolutely unfit for the use of the most degraded savages. The mattresses and bed clothing were filthy and ragged, not a sheet or pillow case was to be seen, and I afterward understood that the town did not deem such articles necessary, and therefore were not in the practice of furnishing them. The chairs were more or less broken or worn out and there was but one in the house that had both back and bottom. A poor, helpless, palsied female who had not stood for years was braced in the skeleton of one of these by its being stuffed with rags." Though the delinquent town might be the one in which he had his own residence, he saw in this fact no reason why he should mince matters. Mr. Hazard's report created a sensation, not only in the legislature, but throughout the state. It was printed by order of the legislature, and was widely circulated. It had an immediate practical effect. Towns which had done well were encouraged to do better. Towns which had done ill were stimulated to improve matters within their borders. It is a fact which, though not surprising, is worthy of note, that the towns then at the head of the line are those in which most is now done for the poor, and towns which then did least are still among the most backward.

A direct result of the feeling thus aroused was the immediate passage by the general assembly of the following act: "Section 1. Corporal punishment and confinement in dark rooms or dungeons are prohibited at asylums and houses for the poor in this state. Section 2. No paupers shall hereafter be closely confined at any such asylum or poor house for a longer period than five days for any one offense; and in all cases

of close confinement, it shall be the duty of the commissioners and officers of asylums and poor houses to report the same to the Town or City Council as often as once in three months, stating the name of the pauper together with the offense and period of his confinement. Section 3. The use of chains in asylums for the poor and in poor houses or of any other bonds intended to confine the limbs of paupers is hereby abolished and forever prohibited in this state, excepting in such instances as they may be necessary to effect the removal of insane persons to a curative hospital or to take and detain in custody a pauper charged with the commission of crime."

The custom of boarding out paupers upon the best terms obtainable, the best terms for the town usually being the worst terms for the paupers, fell more and more into disfavor, as the hardships which it involved became better and more generally understood. Twenty years later the number of towns in the state not owning asylums and farms for the poor was reduced to eight, and although at this date Mr. G. W. Wightman, then superintendent of state charities, reported that some towns did themselves no credit by the manner in which they cared for their poor, it remains that the standard had been in the meantime greatly elevated so that a provision for paupers which would be at this date rightly regarded with small favor might have been in 1850 esteemed not at all discreditable.<sup>1</sup>

In 1869 the subject of a state almshouse to accommodate paupers who were without legal settlement began to be agitated, and in the same year definite action was taken by the legislature looking to the establishment of such an institution at the State Farm in Cranston. The matter being referred to the attention of the Board of State Charities and Corrections, that body wisely judged that the whole subject of state pauperism, pauper settlement laws, and the removal from the state of such as had within its limits no legal settlement, must be investigated before they could intelligently proceed to erect the required buildings. An opinion was expressed that the number for whom provision should be made could never be very large and that these might be accommodated in the old work house at the State Farm in Cranston when a new building, then in process of erection, should be completed and occupied. In accordance with this view, the old workhouse was to some extent remodeled, and upon trial was found to answer the purpose perhaps as well as could have been expected; but at the best, it was an old and inconvenient structure which had once demonstrated its unworthiness to be regarded as more than a temporary expedient, and which could be retained only until the state should be ready to provide something better adapted to the end sought. In the meantime, oppor-

<sup>1</sup>Report for 1870.

tunity was given the Board to learn how many state paupers would be likely to present themselves, and what would be needed for their proper care, and thus to be prepared to build intelligently when the time to do this should arrive.

The State Almshouse was opened on the first day of August in the year 1874. At the end of the month the inmates numbered eighty-one, and on the thirty-first of the following December, one hundred and forty-one, and on the twenty-seventh of January, one hundred and sixty-five. These numbers were so much larger than had been anticipated as to suggest the necessity of at once providing additional room, by converting into a dormitory another building which stood in the yard. And still the numbers increased. An old "storehouse" was utilized. All the buildings were of wood, low studded, and so constructed as to make a proper ventilation impossible. Everything was done that could be done under existing conditions for the comfort of the inmates, but at the end of two years, the decision was reached that "until the state provides a better building for the inmates of the almshouse, the Board can never give a satisfactory report of this institution."

From year to year thereafter the attention of the legislature was directed to the matter, and with increasing urgency permission was sought by the Board to take the initiatory steps toward the erection of a suitable almshouse. The suggestion was made more than once that the good name of the state had already been injured by delay.

At last the time arrived when it seemed proper to ask an appropriation to secure plans and estimates for a new almshouse, these plans and estimates to be presented when prepared to the general assembly for its consideration. This request was granted and five hundred dollars appropriated for the purpose at the January session in 1888. At the June session of the same year, fifty thousand dollars were appropriated, with which to begin work. The long-felt need would now soon be met.

Two sites for the new building were given careful consideration. One on the west side of the road that crosses the Farm from the Pontiac road to the New London turnpike, since known as Howard avenue. The other near Pontiac road and on the ground occupied by the old almshouse buildings. Both were excellent locations, but the latter possessed advantages which easily rendered it the more eligible, and it was selected. It was decided to build of stone, such as is found in abundance on the Farm and in the simplest manner, with no attempt at architectural display; but the elevation of the ground and the crest of hill on which it stands made easy the arrangement of the several buildings in blocks, agreeable to the eye, from whichever direction they may be approached or viewed.

Briefly described, the new almshouse consists of a central building, which may be called the administration building, in which are all the



rooms necessary for the residence of the keeper, or deputy superintendent, and his assistants, with a chapel for the inmates in the upper story; a wing for the men, a wing for the women, and beyond the latter a building for the children. These several parts are connected by corridors, one story in height, the whole structure having a frontage on Pontiac road of about seven hundred feet. The walls are of rough faced stone, cracked boulders, with trimmings partly of granite and partly of brick, the roof being covered with variegated slates. The design was to accommodate three hundred adults, an equal number of men and women, and sixty children. Since its completion, as many as three hundred and ninety-six have at the same time found shelter and comparative comfort within its walls. The work of construction began in the autumn of 1888, and in October, 1891, had been so far finished as to be occupied in all its several departments. The cost was upward of two hundred and thirteen thousand dollars. The result is an institution second to no other of its kind in the United States.

The Board of State Charities and Corrections in the State of Rhode Island is a unique body, exercising the functions of those bodies which in other states are known by the same name, together with the functions of what is elsewhere called a Board of Control.

In its origin it was an evolution and not a direct creation. At the January session of the legislature in 1867 a joint committee of the senate and of the house of representatives was raised "to inquire into and report upon the expediency of erecting a State Asylum for the Insane, with the probable cost thereof, and suitable location for the same; with instructions to embody in their reports such facts as they may be able to obtain in regard to the cost and the manner of supporting the pauper insane in other states."

One year later this committee reported, accompanying its report with a series of resolutions, which after being amended at various points were passed by the legislature; the effect of which resolutions was to appoint a commission entrusted with the following duties, viz.:

"First. To select and make report to the general assembly of a suitable location not less than two hundred acres of land, for the erection of an Asylum for the Insane; and to prepare and report plans and estimates of the cost of said Asylum.

"Second. To examine and report upon the whole subject of the care of the insane, paupers, criminals, and helpless, as now exercised in this state; and to suggest such a plan for state action over the whole, as to them may seem most desirable, in accordance with the report of the committee upon the Insane Asylum appointed at the January Session, A. D., 1876, as made at this Session.

"Third. To draft and report such legislation, by act or otherwise,

as they may deem proper and efficient to establish and carry into effect the system which they may recommend."

This commission of which the attorney-general was a member, was authorized to draw upon the general treasurer for expenses actually incurred, but not for time employed or service rendered.

Its report made a year later (1869) was unanimously adopted, and a new committee consisting of one person from each county, together with the mayors of the cities of Providence and Newport, was raised and "empowered to negotiate for and purchase a suitable farm of not less than two hundred acres, for the location of a House of Correction, a State Asylum for the Insane Poor, and for such other purposes as the General Assembly may direct." At the same time a resolution was passed directing this committee "to report to the next May session of the General Assembly a plan for the organization and the establishment of a House of Correction and State Pauper System, with the necessary bills or resolutions to carry the same into effect, and also plans for and estimated cost of such buildings as may be needed until permanent structures are erected."

At the date named the committee reported that the William A. Howard farm, so-called, located on Sockanosset Hill had been purchased. A bill "to establish a Board of State Charities and Corrections" was also at this time reported, which after much discussion and some amendment was enacted and became a law. This act as passed provided that the "Governor with the advice and consent of the Senate shall appoint six persons, two from the County of Providence, and one from each of the other Counties, who, together with the Secretary, shall constitute the Board of State Charities and Corrections." In accordance with this provision, Governor Padelford announced in the senate, May 27th, 1869, the following persons as constituting the first Board of State Charities and Corrections in the State of Rhode Island, viz.: Henry W. Lothrop of Providence county, Thomas A. Doyle of Providence county, Jonathan Brayton of Kent county, James M. Pendleton of Washington county, Samuel W. Church of Bristol county, and Henry H. Fay of Newport county. Thus was completed the legislation necessary to the establishment of one of the most important and useful agencies of government in our commonwealth. Its organization was effected in the city building at Providence on June 1st, 1869, by the unanimous election of Thomas A. Doyle, chairman, and Edwin M. Snow, M. D., secretary.

At a later date the Board was increased in number to nine members—three from Providence county, one from each of the other counties, and one from the state at large, together with whoever should be chosen secretary of the Board. At a still later date it was enacted that this officer should no longer be a member of the Board, but its

servant only, since which the constitution of the body has not been changed. The members hold their office for a term of six years, unless for cause sooner suspended or removed. The secretary holds his office during the pleasure of the Board which appoints him.

The oversight, management and control of the various penal, correctional and charitable institutions located at Howard, in the town of Cranston, is vested in this Board. These now include the State Farm, the State House of Correction and Workhouse, the State Hospital for the Insane, the State Almshouse, the State Prison and Providence County Jail, the Sockanosset School for Boys, and the Oaklawn School for Girls, with an aggregate population of about 2,400 souls. Besides the government of these institutions the Board is charged with a general supervision of the Butler Hospital for the Insane, and of all the city and town almshouses in the state; also with an inspection of "the jail in each County, except the County of Providence, at least twice in each year, and to inquire into the state thereof, as respects security, treatment, and condition of prisoners therein."

The Board appoints an agent, holding office during their pleasure, who has charge of "the examination of paupers and lunatics for the purpose of ascertaining their place of settlement," and of "their removal to their homes or places of settlement, or to the State Almshouse or to the State Hospital for the Insane," as the case of any may require, and of such other duties as may be required of him by the Board.

The value of this officer will be seen in the fact that in the year 1900 he caused to be removed to their homes outside the state no less than 727 persons who must otherwise have been supported in our charitable institutions. One hundred and three of these persons were sent to foreign countries.<sup>1</sup>

The Board also appoints a superintendent of the State Farm, with the State Workhouse and House of Correction, and the State Almshouse, situated on the State Farm; a superintendent of the State Hospital for the Insane, a superintendent for each of the two Reform Schools, and the warden of the State Prison. Deputy superintendents are appointed upon the nomination of their respective superintendents, also a Deputy Warden upon nomination of the Warden. Besides these the Board appoints the Physician and Religious Instructor. All officers appointed by the Board hold their respective positions during the pleasure of the body that appoints them. All assistants and employes of every sort and grade are hired by their superintendents or by the warden, and hold office during the pleasure of their employers.

The members of the Board receive no compensation for their services, only their necessary traveling expenses being paid out of the

<sup>1</sup>Report for 1900.



public funds. They have uniformly been intelligent and broad-minded men, of generous impulses and marked skill in the management of affairs, under whose supervision and guidance has grown up a system unique as to many of its features and of great efficiency.

It is quite the fashion with certain writers upon social topics to assert that because of sundry peculiarities in our New England life and thought, and because especially of that great influx of foreigners which has taken place during the last generation, insanity has been and still is rapidly upon the increase; and in support of such a view a confident appeal is made to census tables compiled by officials acting under the authority of the state. Such census tables have an unquestioned value, but they are insufficient to establish the point at issue. We should remember that social statistics are but a recent invention, and also that our charitable systems are now more nearly perfect than at any earlier date in the history of the country. To compare the showing of a community that seeks out diligently and gathers scrupulously all the mentally diseased persons within its borders into suitable hospitals where they may be cared for tenderly according to their individual needs, with the same community before any special attention was given to those who suffered from the loss of reason, would seem absurd enough; but a more absurd thing is done when the present record of such a community is compared with the record of another community which still rests content while its insane and demented ones are chained in attics and cellars, or shut up in poor-houses, or permitted to wander heedless in the streets; and the extreme of absurdity is reached when we are told that the first community because it numbers and ministers in a Christian way to the good of its unfortunates, is therefore afflicted with an epidemic of insanity from which the community which does not consider them enough to find out how many they are is exempt. The social and physical evils that now afflict men are not new. They all existed when they were unnoted and unnamed. We are shocked by unusual suffering, the very commonness of which in our fathers' day caused it to be passed by uncommiserated. It was Macaulay who said most truthfully of such sufferings, "that which is new is the intelligence which discerns and the humanity which remedies them."

The first mention made of insanity found by the writer in the annals of this state is in a letter written by Roger Williams to the town council, and dated Nov. 11, 1650, in which he called attention to the "lamentable" case of a Mrs. Weston, whom he believed to be "a distracted woman." His communication breathes a most humane spirit; but his only requests are that the town council take measures to prevent the waste of any little property of which she might be possessed, and

that such provision be made for her sustenance as should be necessary. She was presented to the attention of the council as a person reduced to want by mental disturbance, who might be easily overlooked by the constituted authorities.<sup>1</sup>

In the following January the case of Margaret Goodwin came up for attention. She had some property in her own right. She also had a husband, who seems to have been unable to support her or unwilling to do so out of his own substance. She was accordingly given into the keeping of six reputable citizens of the town, who should have charge of her person and her estate "during the period of her distraction," with power to sell of her property so much as might be needed to indemnify them for any expense that they might incur on her behalf. It would appear that the care exercised over her person could not have been extremely vigilant, for a month later she perished from exposure to a midnight storm, having wandered from the house alone and unclothed.<sup>2</sup>

In 1655 a man named Pike, who had previously and at different times applied to the town for aid in the support of his wife who had gone "distracted," was voted help in the sum of fifteen shillings, with a promise of further relief as it should be needed "to the value of ten pounds."<sup>3</sup>

These may be taken as specimen cases. They have this in common, that each unfortunate was a pauper or in immediate danger of becoming a charge upon the town; and the case of each was disposed of precisely as would have been done had her need arisen through physical rather than mental disorder either in herself or in those upon whom she naturally might depend for a support. Like the town's poor to whom had been preserved the right use of their faculties, the insane were aided at their homes and their relatives paid for any special care or expense that might be entailed upon them; or in the absence of home and relatives they were farmed out to the lowest bidder for the time being, or perhaps a lump sum of considerable value was paid and a satisfactory guaranty given that the town should be "forever cleared of them."

And whichever it might be the case of the poor unfortunate would be pitiable. When one must be treated as a wild beast, whether this shall be at the house of a relative or of strangers can make but little difference to the victim. "A little house, seven foot long and five foot wide" might be built hard by the house of some relative, in which he or she would be chained like a dog in a kennel, or a stranger might make such provision for the

<sup>1</sup>Town Papers, vol. xv. 39.

<sup>2</sup>Town Papers, vol. xv.

<sup>3</sup>Town Papers, vol. xv.

wretched maniac as he could afford at the rate perhaps of eighteen pence a week.

There was such a building as is suggested in the town of Jamestown situated on the highway. It was elevated on posts some feet above the ground, having a floor of slats with spaces between them, the design being to make unnecessary frequent cleaning of the inside. In this place a man named Armstrong was confined the year round, without fire, for twenty years, with little clothing, and only such light as might enter at the sides and at the bottom, till at last he suddenly died, as we may suppose to the great relief of himself and all others concerned. It is wonderful that he should exist in such conditions for so long a time.<sup>1</sup>

Willard Wade, born and reared in the town of Glocester, was arrested when a young man for setting fire to a building in that town, but it being evident that his mind was disordered the case was not prosecuted; instead of which he was placed in the care of his relatives, his father giving bonds that he should not be permitted to go at large. He was kept in the home of his father till the death of the latter, who bequeathed some not very valuable real estate to a young man who had married a relative on condition that he should maintain the insane son during the period of his natural life. A distinguished citizen<sup>2</sup> describing a visit made him in the quarters thus provided for his safe keeping, says, "We found him four miles from Chepachet, locked in an outhouse some six or eight feet square, into which after some difficulty we succeeded in obtaining entrance. The room was as comfortless and filthy as could be imagined, and did not appear as if it had been cleaned for years. The apology for a bed was completely rotten and saturated with ordure. In this room or one similar to it I was credibly informed this poor man had been imprisoned for thirty-three years, nearly thirty of which he had been chained by the leg, which limb then bore unmistakable marks of the iron that had lacerated the flesh, the latter being much discolored and seemingly united in one solid mass with the bones and sinews. Although he conversed freely and tolerably rationally, still he uttered no complaint. Neither did he exhibit any indication of suffering, unless as such might be interpreted a sigh which seemed unconsciously to escape from his lips as he dropped heavily into his seat. My attention was directed to his feet which were thrust into the lower extremities of what appeared to have been a pair of old boots. Upon being asked he drew forth a foot; one of the toes was entirely eaten off, the remaining four were black and matterated as was also the extremity of his foot for some inches adjoining. This was caused as I was told by his feet having been frozen, I think the previous winter."

<sup>1</sup>Hazard's Report.

<sup>2</sup>T. R. Hazard.



The first step toward those disciplinary and reformatory institutions which are now so numerous and so well conducted in the state was taken in the year 1725, in a law which empowered the towns on the mainland to build a House of Correction for vagrants "and to keep mad persons in."<sup>1</sup> Earlier than this mention had never been made of insanity in any enactment of the general assembly. Vagrants and insane persons were put in the same class and the same treatment was deemed proper for each. Vagrancy and insanity were alike misdemeanors to be dealt with according to one rule. A few years later in 1742, the care of insane and imbecile persons was by law given to the town councils, with power to appoint guardians of their estates. This was a formal recognition of society's responsibility for the well being of such unfortunates. But it does not appear that they fared better in the town's almshouse than when left with their relatives and neighbors.

In the Newport asylum there was at one time a woman whose name was Rebecca Gibbs, who had lost her reason through disappointed affection, and thereafter had been for thirty years a charge of the town. She seemed to be in a sense folded together, her lower limbs being drawn up to her breast so that her knees and her chin met and from this position there was never a change.<sup>2</sup> Her deformity was caused by her having been for several winters shut up in a cell without fire and without clothes, where she had drawn herself as compactly as possible together as a protection against the cold and had so continued till sinew and muscle were unable to relax. In another town in the same county efforts were made year after year for a more humane treatment of the insane poor, but those who would have such a change were uniformly out-voted, and the effect seemed only to rivet more firmly the maniac's chains. On one occasion when the subject was under discussion in town meeting a man who had been overseer of the poor shouted that he himself had once flogged an insane person at the town asylum, and the majority present were not disgusted by this frank avowal, but rather applauded him. It was in the same asylum that a young man was not only chained but so wrapped in bagging that when an apple was placed within his reach he could only gnaw it like an animal as it rolled about the floor and he rolled after it.

Such treatment of the insane was not universal. In most cases friends did as well as they knew how to do and as their circumstances permitted; and the same may be said of the insane who were kept in the almshouses. But their proper treatment was not understood, and if it had been understood would have been impossible; and again inexcusable abuses were common. The only apology was in the absence of a hospital for the insane in the state. A measure of relief appeared only

<sup>1</sup>Arnold, vol. ii, 80 and 140.

<sup>2</sup>Hazard's Report.

when in the last will and testament of the Hon. Nicholas Brown, a wealthy and wisely philanthropic merchant of Providence, dated March 3rd, 1843, was found the following:<sup>1</sup> "And whereas it has long been deeply impressed on my mind that an Insane or Lunatic Hospital or Retreat for the Insane should be established upon a firm and permanent basis, under an act of the Legislature, where the unhappy portion of our fellow beings who are by the visitation of Providence deprived of their reason may find a safe retreat and be provided with whatever may be conducive to their comfort and to their restoration to a sound mind. Therefore for the purpose of aiding an object so desirable and in the hope that such an establishment may soon be commenced, I do hereby set apart and give and bequeath the sum of Thirty Thousand Dollars toward the erection or the endowment of an Insane or Lunatic Hospital or Retreat for the Insane, or by whatever other name it may be called, to be located in Providence or vicinity." He was not the only one who had perceived the existing need. The matter had been discussed, and his views had been accepted by not a few enlightened and public spirited citizens; but he was the first to give to his interest in the subject so practical an expression.

In January, 1844, the bequest was formally accepted, and the Rhode Island Hospital for the Insane was incorporated by act of the general assembly. The following named gentlemen constituted the corporation: Amasa Manton, George W. Hallett, John Carter Brown, Moses B. Ives, Robert H. Ives, Amory Chapin, Thomas Burgess, Benjamin Hoppin, Elisha Dyer, Seth Adams, jr., Shubael Hutchins, Samuel F. Mann, Joseph Carpenter, Royal Chapin, Frances Wayland, William S. Goddard, Thomas R. Hazard, George S. King, J. Smith, Byron Diman, Gideon Spencer, Edward W. Lawton, W. Updike, J. P. Hazard, and Stephen Branch.

At the first meeting of the corporation held March 20, 1844, a committee was raised to prepare and circulate subscription papers for the additional funds necessary to erect and furnish the required buildings. Six months later this committee reported that a letter had been received from the Hon. Cyrus Butler in which he tendered to the corporation the sum of \$40,000, upon condition that an equal sum should be by others subscribed for the same purpose during the next six months, and provided also that a sum equal to at least \$50,000 be set aside as a permanent fund the income of which alone should be used in defraying the current expenses of the hospital. It was also reported at the same time that this generous gift would be at once available, since more than \$50,000 was already promised by responsible parties.

As a recognition of Mr. Butler's munificence the name of the projected institution was changed to Butler Hospital for the Insane, and

<sup>1</sup>1st Annual Report of Butler Hospital.

a farm in the northeastern part of the city of Providence containing one hundred and fourteen acres was purchased for a location at a cost of \$6,000. Two years later the aggregate subscriptions amounted to the sum of \$128,000, and it was judged that the time to proceed about building had arrived. Dr. Isaac Ray, a physician of large experience in the care of the mentally diseased, was elected superintendent, his term of office to begin May 1st, 1846, and he with Dr. Bell of the McLean Hospital in Somerville, Mass., were made a committee to prepare plans. The wide information of these eminent specialists made it certain that any plans which they might present would be of the most approved character. As a further preparation for the duties assigned him Dr. Bell visited Europe and carefully inspected the best hospitals there existing, the peculiar excellences of these being noted and made a part of the contemplated institution. The contract was given to Messrs Tallman and Bucklin, at that time the leading architects and builders in the state, for the sum of \$70,000, by whom the work of construction was pushed rapidly forward. The Hospital was opened for the reception of patients on the first day of December, 1847, with forty patients; the number increased to sixty-seven during the succeeding month.

Through no fault of the management, but owing to conditions incident to the establishment of all institutions of this kind, and unavoidably, the Hospital was early involved in embarrassing debt. Relief came in the very generous donation of \$20,000 by Mr. Alexander Duncan, a sum sufficient to cancel all outstanding obligations, and yet leave a balance in the treasury. The same large hearted gentleman some years later added another \$10,000 to his former benefactions.

In the year 1850 an act was passed by the general assembly forbidding to keep insane persons in the jails of the state, a custom which even at that late period to some extent obtained, by which the misfortune of mental disease was treated as a crime against society or at the very least as a misdemeanor. It was provided that one who should thereafter be adjudged by competent authority insane should be sent directly to Butler Hospital.

It was in the same year (1850) that the general assembly first made an appropriation, in amount \$1,000, for the partial support of indigent insane persons in this institution; to be dispensed by the Governor of the state in sums not exceeding \$50 to each beneficiary. On the 17th of December in this year the whole number of patients was one hundred and fifteen, of whom one hundred had been residents of the state till the date of their commitment, the remainder having been received from other states. Of the Rhode Island patients sixty-one were supported by the several towns in which they had settlement, twenty-six by their friends, twelve by the state appropriation and their friends



unitedly, and one by the town which had been his home joined with such contributions as his friends were able to make; fifty-two were men and sixty-three were women; seventy-four were born in the state and three in other states, while twenty-three were of foreign birth.

During many years the state has been accustomed to appropriate \$10,000 annually for the support and the partial support of persons at the Butler Hospital. Of such there are two classes. One hundred dollars each is allowed to the first class of beneficiaries upon order from the Governor of the state. These have friends who though unable to meet the full expense of their treatment are yet desirous of doing all that they can in this direction. The number of these is by law limited to twenty, and not more than \$2,000 of the annual appropriation can be used for their benefit. A second class includes insane poor persons who are committed by the courts, whose number is not by law limited, and for the support of each of whom the sum of \$280 per annum may be expended. At the present date the number of these last seems to be declining. There is a tendency on the part of the courts to send fewer such to Butler Hospital, and many who are sent there are afterwards transferred to the State Hospital for the Insane.

Starting in the fore front of institutions of its class more than a half a century ago, Butler Hospital for the Insane has kept step with every advance made in subsequent years, and still continues a model in point of equipment, enlightened and generous administration, and facilities for the successful treatment of the unfortunate persons for whose well being and comfort it is designed.

Still a large majority of the insane in Rhode Island remained in the care of their friends or in the town almshouses, and all the abuses incident to such a system continued with little abatement. This appears in the valuable report made by the Hon. Thomas R. Hazard, elsewhere mentioned. He did not confine his attention exclusively to the insane who were cared for in the town poor houses, but also sought out and learned so far as he was able the condition and treatment of those who lived in the homes of their relatives. The whole number in poor houses he discovered to be eighty-five, while one hundred and forty were otherwise provided for—exclusive of those at Butler Hospital. Abuses more flagrant than he saw and reported would be difficult to conceive. At the same time examples of humanity and kind treatment were not wanting. Especially the asylum at Newport was accorded high praise. The result of his investigations was a recommendation that all recent cases of insanity should be at once placed under hospital treatment, with all others who could not be elsewhere controlled without resort to chains, close confinement, or personal violence of any sort. He strongly expressed his conviction that for such methods there could be no

real necessity in the treatment of insane persons. Butler Hospital, the only institution of the kind in the state, was already full to overflowing, and there still remained the large number named above for whom it seemed impossible to make immediate suitable provision. A few might be and were boarded at hospitals located outside the limits of the state, but the large majority must continue in their present unfavorable circumstances for twenty years longer.

In the year 1867 there were as many as one hundred and thirteen insane poor persons in different hospitals at the expense of the state and the several towns. There were at the Butler Hospital, seventy-six; at the Brattleboro, Vermont, Hospital, twenty-four; at the Worcester, Mass., Hospital, eight; at the Taunton, Mass., Hospital, three; and in private families, two. Twenty-seven towns were united with the state to furnish their insane poor with treatment in hospitals for the insane. Seven towns had no persons in such an institution. In one of these towns there were at the same time ten insane persons in the poor house, nearly all natives of the town and all having a legal settlement in the town; two of whom, middle aged men, were fastened to the floor with iron chains, one having been held thus for eleven years; two others, women, had been chained about half the time for several years; while five others had been held in confinement for periods ranging from four years to ten years. The wrong and the disgrace of such things were felt, and there were those who expressed their conviction that society must be held responsible for the continued insanity of those to whom it denied all opportunity to receive a treatment calculated to restore to them the right use of their minds.

When about this time the proposition to purchase a State Farm began to be discussed, it was chiefly to provide accommodations for the pauper incurable insane. And when at last such a farm had been secured steps were at once taken toward the erection of the necessary buildings. Two one story wooden cottages were built after the general plan of buildings which had been for some years used for a similar class of patients at Blackwell's Island, in New York city, but with changes and improvements. Besides these a stronger building was erected for such as might be of a violent and dangerous character.

The first patients were admitted on the first of November, 1870, from which date to the first day of the following January one hundred and eighteen were received—sixty-five from Butler Hospital, twenty-two from Vermont Hospital, four from Worcester, two from Taunton, and twenty-five from the town poor houses of the state. One year later the number of inmates had grown to one hundred and forty-two from which date till the time of this writing the increase has been constant and rapid, so that on December 31st, 1900, the whole number was not less than seven hundred and forty, while the original two small buildings, hardly more than wooden barracks, have become

nineteen substantial structures of stone and brick, furnished with all the most approved apparatus and appliances for the scientific and successful treatment of mental disease of every form.

Two features in this institution have always commanded the approval of intelligent visitors; the first of these being the use of one story buildings, as many as may be needed, rather than lofty and elaborate structures such as are common elsewhere; and the second of these being the large measure of liberty accorded the patients both within the several wards and out of doors in spacious and well turfed yards connected therewith.

At the first and until a comparatively recent period this institution was what its name implied, an asylum for the incurable insane, in other words a place for the custodial care of hopeless cases, or an almshouse for pauper lunatics who had passed beyond the reach of the physician's art. For such only was provision made and only such were committed to its keeping. There was no attempt at curative treatment. This was provided for cases of not long standing at Butler Hospital and in others of like character, legal authority being given to place such in these at the expense in part at least of the state. When application was made for their admission to the State Asylum, they were refused. It was rightly judged that common humanity as well as the public interest required that no one should be received till he had enjoyed the opportunities of a good hospital and had been pronounced incurable by competent medical authority. So is explained the otherwise seemingly strange fact that from the first and for eleven years the institution was in charge of a deputy superintendent who was not a physician. Rightly or wrongly during all this period it did not appear to the authorities that medical knowledge and skill were necessary in the one who should fill this position.

But in the year 1885 a change was made in the law, the evident purpose and actual effect of which was that since that date practically all insane paupers have been sent at once to the State Asylum, recent and presumably curable as well as chronic and incurable cases. This change made imperative the immediate introduction of curative methods, and also that the head of the institution should be a medical man having special gifts and qualifications as well as eminent skill in the practice of his profession, both of which requirements have been met in the years that have since elapsed.

Up to about the same date the insane poor having settlements within the borders of the state were supported at the expense of the various cities and towns; now the state assumed the whole expense of caring for all the insane paupers, those having and those not having legal settlements. Naturally officers having in charge the towns' poor at once became less reluctant than formerly to place insane persons in the State Asylum, and there followed in consequence a sudden and



large increase of those who while they were certainly insane according to the terms of the law yet needed only such care as might be given them in a well ordered almshouse, had it not been made less expensive to the town to surrender them to the custody of the state. The increase at the State Asylum for the last six years preceeding this change of method had been but seventy-one; the increase for the six years next following was two hundred and one.

At the January session of the general assembly in 1897, and on recommendation of the Board of State Charities and Corrections, the name of the State Asylum for the Insane was changed to State Hospital for the Insane.

At the same time an important change was made for the better in the administration of this institution, by which it was dissociated from the other institutions located on the State Farm, with which it had been connected from the beginning under a single superintendent. When it with these was established no one could foresee the magnitude which all would attain in a period of less than thirty years, and the form of organization then adopted was doubtless well suited to a number of small institutions contiguous to each other; but a period had at last arrived when the interests of the Hospital for the Insane, now become the most prominent as well as the largest of them all, plainly demanded that it should be wholly separated from its life-long companions, and particularly from the Work-house and House of Correction. This view had long been entertained by members of the Board of State Charities and Corrections, and to it the legislature now gave expression in an act authorizing the change and the election of a Superintendent of the State Hospital for the Insane.

On the twenty-first day of May, 1897, George F. Keene, M. D., who had shown singular fitness and ability during a connection with the institution extending over a period of fifteen years, for more than ten of which he was its deputy superintendent, was unanimously chosen the first superintendent under the new order; and the State Hospital for the Insane now at last assumed its proper name and true position among similar institutions wherever located.

The early New England colonists were saints and sinners. The saints were few, the sinners were many. These statements might not be needed were it not that there exists a very common notion that only people of exalted, intellectual and moral quality migrated to these shores during the first half of the seventeenth century.

It is true that the ruling element in each of the New England colonies was pre-eminent for character and respectability, consisting mainly of country squires and sturdy yeoman from the eastern counties of the Mother Country. Each of the forty English shires was here represented, but those bordering on the North Sea contributed to this better element more numerously than all others. It has been

estimated that of all the Americans now living and able to trace their descent from the original New England stock, at least two-thirds might follow the line back to one or another of the East Anglian counties, one-sixth of all to the County of Devon, Dorset or Somerset, and one-sixth to all beside of England.

The men who came with Governor Bradford to Plymouth, and with Governor Winthrop to Boston, were thrifty and prosperous householders in their old homes. These made of themselves voluntary exiles because of their devotion to an idea. Their ideals were high and they attempted to realize these in their lives as Christian men and citizens of the new commonwealth. Religion before all else claimed and received their attention. They would have education to be the inseparable attendant upon religion. Industry, economy, decorous behavior and reverence for superiors were regarded as of paramount obligation. The moralities were in any case to be scrupulously observed and rigidly enforced upon men of all ranks in society.

They were the aristocrats of the new world, and the term is used in its best sense. As must ever be true of an aristocracy, whether of birth, of wealth, or of personal merit, they were but a small minority of the whole people. Social distinctions were carefully noted and were not under any circumstances to be overlooked or ignored. Of all the immigrants who came to New England previous to the year 1649, not more than one in fourteen would be permitted to write Mr. before his name; each of the remaining thirteen being merely Good Man So-an-so. This was as might have been expected. There could be nothing like social equality between men whose recent ancestors were serfs, and upon whom the marks of serfdom were still many and manifest, and those who had been free men and landholders for uncounted generations. The man who had been a peasant and whose grandfather had been a serf in Old England, could not expect to be treated, and was not treated as other than he was, in New England. From such men of low degree came many of the criminals of the early days.

The wilderness was hungry for laborers. To meet this demand, apprentices or indentured servants were brought out in large numbers from the mother country. These apprentices or indentured servants were persons who had bound themselves, or who had been bound by others to periods of service extending over four, six, or in some cases even ten years. They were recognized as property, and by their masters or owners they were treated as such. Fugitive servants escaping from one colony to another were returned, upon proof, to their owners, and at the expense of these. They differed from slaves in but little, save that they were bondsmen by contract, and they could be held in bondage for but a term of years. The Mayflower brought out some such servants. Not less than thirty were taken by a single indi-

vidual, Captain Wollaston, to Quincy.<sup>1</sup> Governor Winthrop speaks with regret of the pecuniary loss which the Bay Colony sustained when it became necessary to free three hundred such servants because there was no food to give them. Whether they starved as free men in the woods does not appear. Governor Craddock and others who remained with him in England sent over as many servants as were needed to manage their large estates in Massachusetts. Harvard College is said to have received a donation of one hundred and fifty pounds, being the proceeds of the sale of children who had been kidnapped in England and sent out to America as indentured apprentices,<sup>2</sup> perhaps followed all the way from London to Gravesend by weeping parents who had no power to redeem them, and to whom the law offered no relief.<sup>3</sup> The higher officials of Bristol, chief center of the Colonial trade, were nearly all at one time involved in kidnapping.

Among the indentured servants were some of a not ignoble parentage, some educated men, some Latin scholars, the victims of misfortune or of vice, who had sold themselves as a means of getting away to the new land, in the hope that when their term of service should expire they might there improve their condition. There were honest working men, too, discouraged by the difficulties with which they had all their lives vainly contended, who trusted that they might find on this side of the Atlantic better conditions than they could ever hope to know in the old world. Knaves, also, were numerous. Husbands forsaking their wives and wives forsaking their husbands, runaway sons and daughters, jail birds and bawds, were sent across the ocean by those who coined wealth in the business. All these were welcomed by colonists whose strongest wish was for cheap labor and a plenty of it. It was common to pardon thieves on condition that they would consent to be sold to a service of seven years in the colonies. The record exists of a horse thief who, in 1622, very naturally chose this alternative rather than to be hanged for his crime. A little later we find a husband humbly petitioning on behalf of his wife that she might be sold and sent over as a servant, and not be put to death for stealing three shillings and six pence. Petty officers were paid by the mayor and by the aldermen of more than one English city to persuade men and women who had been convicted of crime for which the death penalty would be exacted, that they should consent to go as indentured apprentices to the colonies. The profits accruing from such transactions to the officials named were very large. After the restoration it became lawful for justices to send "loose and disorderly per-

<sup>1</sup>Fiske's *Beginnings of New England*, 91.

<sup>2</sup>Mass. Rec. 13, Nov. 1644.

<sup>3</sup>Eggleston's *Transit of Civilization*, 295.



sons" at their discretion to the colonies, and thus at intervals a hundred or two of "Newgate Birds" were shipped to America. In America such apprentices and indeed all others would be immediately lost to those who were acquainted with their history, lost as completely as if they had migrated to the moon. But neither would the negro change his color, nor the leopard his spots.

It is true that the colonists in Massachusetts endeavored to sift their servants and so to exclude convicts of every grade with all the more vicious and corrupt ones; but the offenses against good order and against common decency with which the civil authorities, and the ecclesiastical authorities as well, were at once compelled to deal, and the nature of the penalties which they thought it necessary to inflict upon offenders, show conclusively that the sifting process was to a very large extent a dismal failure.<sup>1</sup> Notwithstanding that the convict element may have been to a considerable extent shut out of New England, it remained that servants were for the most part from the dangerous classes of large English cities. They were men who had been sturdy beggars and incorrigible rogues of every sort, idle and debauched persons of both sexes; of whom an early New England writer said that they would "eat till they sweat and work till they froze to death." Everywhere these indentured apprentices or servants were a distinct and recognizable class, the source of endless discord and disorder, leading astray the "unstaidd and the young." And their children are with us till this day.

The statement so often made that in New England no traces are to be found of the "mean white" is an incorrect and unwarranted statement.<sup>2</sup> The facts are unmistakably against it. The "poor white trash" of the South has its counterpart in every New England state. All over New England are to be found isolated neighborhoods, whose quality is indicated by the epithets applied to them, such as "Hard Scrabble," "Hell Huddle," and "Devil's Hopyard." The dwellers in these localities are not to be regarded as mainly the degenerate offspring of a sound New England stock; they are of an unmistakable strain to be found in every land where English people dwell. At an early day the riff-raff of England came to these colonies in the persons of apprentices and of others of a not better quality, whose evil ways brought them into perpetual conflict with the better element of society; and whose immoral and criminal influence did not fail to act injuriously upon young people of good family and careful, Christian nurture. In some cases there was intermarriage between the two classes, with the usual result of an honored name reappearing in a line of vicious descent. It was the presence of this base element that made necessary

<sup>1</sup>Pilgrim Republic, Goodwin, 160.

<sup>2</sup>Fiske's Beginnings of New England, 142.

from the first those enactments against every sort of wickedness and vice, namable and unnamable, which have so often proved an enigma to the reader of early colonial history.

The State of Rhode Island and Providence Plantations was settled by men who were of the best in Massachusetts Bay and Plymouth colonies, with the dependents and servants of these. The intellectual, moral and religious value of the new colony did not at first greatly differ from that of its neighbors on the east and on the west. In the beginning it certainly would not suffer by comparison with any other. It is worthy of note that the first crime committed within the borders of Rhode Island of which any record remains was not the deed of a resident of Rhode Island, but of renegade apprentices from Plymouth. It may be interesting to relate the particulars of this crime as they have been preserved in Massachusetts records.<sup>1</sup>

One Arthur Peach, twenty years of age, a runaway servant from Virginia, came to Plymouth and was for a time in the employ of Governor Winslow. He was a worthless scoundrel and prepared for any desperate act. He was out of means and unwilling to work; he was also deeply in debt to honest men who clamored for what was due them. He had come to Plymouth as a fugitive apprentice; he would leave as an absconding debtor. Taking with him three indentured servants of his own quality, he started, as was believed, for the Dutch settlements on Manhattan. At a place some four or five miles from Providence these men perpetrated a deed, the atrocity of whose details is but rarely exceeded in the annals of crime. Discovering an unarmed Indian as he rested on the edge of a swamp not far from the footpath in which they were traveling, they approached and invited him to smoke with them. As he came near, unsuspecting of their evil intent, Peach stabbed him twice, in the body and in the thigh. Two of the others then attacked him; but avoiding their weapons he ran into the swamp, they pursuing, where he fell in the mire and water, rose and ran again, fell and rose again, doubled on them, ran back and forth, till he at last fell and was unable to rise. They now lost sight of him, and not doubting that he was dead or would soon die, they went back to his pack, opened it and took whatever they wanted—three beaver skins, three woolen coats, five fathoms of wampum peage, and some beads. About this time it was reported to Roger Williams that four destitute white men who had been lost for five days in the woods, were in the neighborhood. At once he sent them a supply of provisions, invited them to his own house and entertained them hospitably over night. The next day he sent them refreshed on their journey toward Connecticut, as he supposed. They went, however, directly and by the shortest route to Acquidneck. They afterward

<sup>1</sup>See also Town Papers, Providence.

proved to be Peach and his companions. In the meantime the wounded Indian crawled out of the swamp into the path, where he was found by three men of his own tribe. Word was taken to Mr. Williams, who had him brought in, summoned to his aid the two physicians of the town, Dr. James and Dr. Greene, and did for him all that could be done. He lived only long enough to make a clear and full statement of the affair. The murderers were pursued, overtaken, and three of them captured. One escaped and was never afterwards heard from. Mr. Williams wrote the particulars of the affair to Governor Winthrop at Boston, asking his advice as to what should be done with the villains. There was no question as to their deserts, but under what jurisdiction the case might fall was in doubt. Mr. Williams thought that as they had come from Plymouth they should be carried back to that place for trial and punishment. Since there was no well-established government as yet in Rhode Island, this would seem to be the only reasonable conclusion, and it was found that Governor Winthrop held this view. They were accordingly taken to Plymouth under a suitable guard, where they were tried, convicted, and after the custom of that day, speedily executed. There was, however, much dissatisfaction on the part of the Plymouth colonists that three white men should die for the murder of a single Indian. These warmly urged that a life for a life would meet all the requirements of justice in such a case. Mr. Williams, Dr. James, and several Narragansett Indians were present in court as witnesses against the accused, and in view of the sentiment just mentioned, very properly remained to see them hanged.<sup>1</sup>

In the earliest list of "Twenty-five acre men" who were received as inhabitants of Providence in 1645, is the name of John Clauson. Roger Williams says that he, with some Indians, found Clauson naked and starving in the woods. Where he came from or why he was in the place where they found him, or what was the occasion of his being in such a plight, we are not told. No one in Providence knew him. It is certain only that he was a Dutchman; but all the circumstances indicate that he was a runaway apprentice from some one of the neighboring colonies, perhaps from Manhattan, not unlikely from Massachusetts. Mr. Williams brought him to town, took him into his family, treated him with much kindness, taught him to read, gave him a Dutch testament and had him learn the carpenter's trade. A little later complaint was made against him that he was illegally using the common land; and again, at the instance of Richard Harcutt he was put under bonds to keep the peace. He also had some personal difficulty with Roger Mowry and Samuel Bennett, two prominent citizens of the town. Mr. Williams relates that he was

<sup>1</sup>The Pilgrim Republic, Goodwin, 406.



"grieved at his folly and forwardness." He was evidently of a rough and lawless temper.<sup>1</sup>

On the night of January 4th, 1660, Clauson was attacked near his dwelling, which was in the vicinity of what is now the North Burial Ground, from behind a clump of barberry bushes, by an Indian named Wau Manitt. At the first blow Clauson's chin was split open and he was mortally wounded in the chest. After lingering in great agony for two or three days, and receiving such care as neighbors could give him, he died, having as tradition asserts uttered a strange curse upon one Herrendeen, whom he believed to be the instigator of the attack, "That he and his posterity might be marked with split chins and haunted by barberry bushes." Wau Manitt was immediately apprehended, placed in irons and confined in Roger Mowry's public house, with a watch of eight able-bodied citizens to guard against his escape. After the burial of Clauson the freemen were called together in town meeting to take such action as the case demanded. Roger Williams acted as interpreter. The decision was that the prisoner be sent to the colony prison in Newport till the date appointed for his trial. He was taken there; but no account of his conviction and execution is at hand. However, in view of the fact that he was only "A heathen savage" and undoubtedly guilty, we may fairly conclude that the matter was neither forgotten nor overlooked by those who firmly believed that every "Son of Adam is his brother's keeper and avenger." There is no reason to suppose that Herrendeen was ever called to account for the part which the dying Clauson accused him of having in his taking off. This was the first murder committed in the town of Providence.<sup>2</sup>

An account of the first case of burglary in the colony of which any record remains is also in point. On the twenty-third of April, 1648, a writ was served upon Wesountup, an Indian living in Mashapaug, charging him with having broken into the house of Widow Sayre four days earlier, and with taking therefrom several parcels of goods. To this charge Wesountup very naturally pleaded not guilty. On the same date and for the same offense a writ was issued against another Indian called Nanhiggan, whose home was at Pawtuxet. He also pleaded not guilty. Each Indian accused the other of the crime of which himself was accused. Wesountup testified at length against Nanhiggan, saying that he came to town with Nanhiggan and that his purpose was to work for Mr. Scott; that they passed the night together on the west side of the river, where there were a number of Indians; that they had no communication with these Indians and were not seen by them; that Nanhiggan took a ladder from the premises of Nicholas Power and set it up against Widow Sayre's house, and was thus able

<sup>1</sup> Town Papers.

<sup>2</sup> Arnold's Rhode Island, vol. i, 465.

to reach a hole in the gable near the roof, through which he entered; that he put out at this hole a coat of skins and three loaves of bread; that he afterward opened the door and persuaded him, Wesountop, to go in and get fire to light a tobacco pipe; that in this way it came about that he, Wesountup, was found and taken in the house; and that no other Indian was present or consenting to what was done. Nanhigan, being put upon his examination, declared that Wesountup was reckoned a common thief where he was best known; that when he had found him employment he was not permitted to work because of his bad reputation; that he had not seen Wesountup for twenty days; and that he knew nothing at all about the robbery of Widow Sayre's house. He called three Indians to confirm his statement. The examiners, however, found him probably guilty, and gave him into the custody of the town sergeant until further orders. At a later date he was brought to trial before a court composed of a majority of all the male inhabitants of the town, convicted and sentenced to be whipped with twenty lashes well laid on. A like verdict was found in the case of Wesountup and a like penalty imposed.<sup>1</sup> As to the crimes committed, the rank of the culprits in society, and the disposition made of them, these cases are typical and characteristic of the time in which they occurred.

The settlements at Providence, at Warwick, and on the Island of Aquidneck, were at the first and for several years in all respects separate and independent colonies. Neither of them was recognized by charter or patent, and neither had protector or patron in England. In a very real sense each was apart and separate from all the rest of the world besides. The men of each settlement met in town meeting, agreed upon the terms on which they were willing to live together, and framed such rules, few and simple, as were calculated to secure the rights of individuals and advance the general prosperity of a small community composed of laborious and law-abiding citizens. As the population increased and became more varied in its character, something additional was necessary. They must have a royal charter to compel the respect of adjoining colonies and to give the force of authority to such laws as they might enact for their own government.

Early in the year 1643, Roger Williams was sent over to the Mother Country on this business, and in March of the following year he secured a charter liberal in its provisions and in every respect satisfactory to himself and to those whom he represented. He returned in the following September, bringing this charter with him, but for various reasons it was not adopted until thirty-two months later. The first general assembly convened at Portsmouth on the Island of Aquidneck. This was in fact, as well as in name, a general assembly,

<sup>1</sup>Town Papers.

not a convention of delegates merely, but composed of all the inhabitants of all the towns so far as these could be induced to be present, a majority of whom really were present to participate in the deliberations and give weight to the conclusions reached.<sup>1</sup>

Under this charter was enacted a code of laws which had been previously prepared and which proved to be in the highest degree "suitable to the nature and constitution of the place." Its evident purpose was to repress rather than to punish crime. In this it was far in advance of the age that produced it. Its humane spirit was in marked contrast with that vindictiveness which pervaded so many criminal codes of that period. Its manner was kindly, setting forth in terse and cogent preambles the unhappy consequences of crime, both to the perpetrator and to society at large, and urging men by that love which they should have for themselves to restrain from its commission. If some of the definitions presented are not so full nor so exact as those of professional writers on criminal law, the meaning is always clear and unmistakable. Its composition was evidently the work of an honest man, who never stopped to quibble, and who adhered closely to the rule which he prescribed to himself in the matter of written contracts, expressing his thought "in as few words and as plain form, and as easy to be understood as may be." Possibly this code at some points erred on the side of mercy, as has been suggested by high legal authority, but in every case it recognized the fact so often overlooked, that the man guilty of crime has yet some rights which law abiding members of society are bound to respect.<sup>2</sup>

It provided that one charged with high treason should be brought before the next general assembly, and if there found guilty should then be sent to England to be further tried and dealt with according to the laws of that country where the penalty was, as it continued to be until 1814, as follows: The condemned man was drawn in a hurdle to the place of execution with a rope around his neck, hanged, cut down while yet alive, disemboweled while in the full possession of his senses, his intestines burned before his eyes, his still beating heart torn out and burned in the same fire, his body quartered and his head set up on London bridge, or in some other public place. It will be remembered that this savage penalty was not devised by the people of Rhode Island, but by the highest legal authorities of the Mother Country, and that there was no power on this side of the Atlantic competent to modify in any wise its method or conditions.

With respect to petty treason the law of old England was re-enacted, the penalty of death by hanging or by burning and the forfeiture of goods to the state of course remaining unchanged.

<sup>1</sup>Arnold's Rhode Island, vol. 1, 201.

<sup>2</sup>Judge W. R. Staples on the Code of 1647.



The servant who should assault his master was to be imprisoned in the house of correction for a period of six months, or until his master should declare himself satisfied. The son who should assault his parent might suffer confinement in the house of correction for a period of twelve months, or until the parent was satisfied. This does not seem very severe when we remember that in Plymouth, Massachusetts Bay, and New Haven colonies the "Smiting" of father or mother was made a capital crime to be punished with death.

The goods of a suicide were to be forfeited to the state. For murder and manslaughter the penalty was death, and in the case of murder a forfeiture of goods also to the amount of the costs incurred by the colony in bringing the murderer to justice. But the taking of life by an infant, by a natural fool, or by an insane person, subjected the homicide to no penalty whatever. It was wisely judged that a knowledge of right and wrong and the right use of one's mental faculties were necessary that the deed done, whatever its nature, might be a felony.

Witchcraft was forbidden under pain of death. It is to be noted, however, that the enactment which forbids all commerce with Satan and his angels is not defended in the code, as were other enactments which involved the death penalty. Can it be that the author of this code had in his time proceeded so far as to doubt the reality of those pretended dealings with Satan in which all others implicitly believed? In that day no legislature would have dared to do in respect to witchcraft less than was done at Portsmouth.

Burglary was deemed worthy of death, except when the culprit was found to be under fourteen years old, or when he was so poor as to be impelled to his deed by extreme hunger; in these cases the offense became larceny and the law was satisfied with a minor infliction.

Robbery was made a felony of death, and in case it should appear that the officers did not use proper diligence in pursuing the fugitive robber, the town or colony might be made to satisfy the victim for his loss. Arson was also a capital crime.

Rioting was to be punished by fine and imprisonment. So, too, was assault and battery; and in addition the person assaulted might recover for any loss of time or injury to health that he sustained. For stealing that whose value was less than twelve pence, on the first offense the culprit must be "severely whipped and made to serve in the house of correction until the party or owner be satisfied two-fold for what he had stolen; and for the second time he shall be branded in the hand and serve in the house of correction until the party be satisfied two-fold for what he has stolen, and the colony four-fold as much." In 1718 the law against theft was so amended that should the culprit prove unable to make the restitution required, he might be sold by the sheriff for a term of years extended enough to raise the needed

sum. Fifty years later this enactment was still in force. In the newspapers of those days are to be found many advertisements of impeccunious thieves to be sold at auction in which the physical qualities and working value of the convict are set forth in words not unlike those employed to describe a horse that is offered for sale in the same columns. Trespassers were liable for damage done by themselves, by their servants, and by their cattle, in some cases as much as treble damages being allowed. Persons guilty of forgery and kindred offenses were to be fined, imprisoned, and made to satisfy the defrauded party. The penalties for sexual immoralities and for unnatural crimes were those at that time in force in England. Perjurers were to be fined, "and disenabled either to bear office or to give testimony in a court of record until the colony released them;" or if they could not pay their fines they were to be "imprisoned in the house of correction till these be wrought out, or else set in the pillory in some open place and have their ears nailed thereto." No man was required to swear if his conscience forbade him to give or to take a legal oath. In this case a "solemn profession" would have all the force of an oath, and to falsify this would involve all the penalty of false swearing. An insolvent debtor could not be treated as a criminal, as at a later day he was often treated; it being expressly forbidden that he "be cast into prison, there to languish to no man's advantage." One convicted of drunkenness must pay five shillings "into the hands of the overseer for the use of the poor within one week after his conviction," and in case he refused to pay or was unable to do so, he must be sent to the stocks and there remain for the space of six hours. For a second offense he must forfeit ten shillings to the overseer, as before, and give bonds in the sum of ten pounds to keep sober in future.

The existence of any crime not specified in the code was expressly denied, and any act not therein forbidden was allowed. No other laws were regarded as "conformable to the nature and constitution of the place." The code ends in these words, "These are the laws that concern all men, and these are the penalties for the transgression thereof, which by common consent are ratified and established throughout the whole colony; and otherwise than this what is herein forbidden, all men may walk as their consciences persuade them, every one in the name of his God; and let the saints of the Most High walk in this colony without molestation in the name of Jehovah, their God, forever and forever!"

The capital offenses named in this code are treason, murder, manslaughter, burglary, robbery, witchcraft, rape and crimes against nature.

Some minor changes were made in the first code while the charter of 1643 continued in force. Three years after its adoption, it was enacted that the victim of an unjust and untruthful indictment, who

should be found not guilty in the court having jurisdiction, might recover of the complainant any costs to which he had been subjected, with damages; and a complainant who had sworn falsely might be set in the stocks and fined the sum of twenty shillings. Five years later this act was so amended that upon the rendering of a verdict of not guilty the colony was required to pay the expenses of the defendant, and the complainant became liable to a suit for slander. If such provisions were in force to-day, we may safely say that the volume of criminal business in our courts would be sensibly diminished, and the interests of justice would not seriously suffer.

Adultery which by the code of 1647 had been left to the action of the laws of England, that is of the English Ecclesiastical Courts, was in 1655 made punishable by whipping for the first offense, fifteen stripes inflicted in each of two towns and in successive weeks; for the second offense fifteen stripes inflicted in each of the four towns composing the colony, with a fine of twenty pounds. In framing a penalty for this crime, and for others that will be noted, the law makers of those days seemed to have thought it important that the offender should be degraded as much and as widely as possible, or perhaps they gave less thought to the measure of his degradation than to the deterrent force which they supposed might be exerted upon the onlookers by the spectacle of his sufferings. It has taken a long time for us to learn that nothing is ever gained by the needless disgrace of even a criminal, but rather that loss is incurred by society and the interests of law abiding citizens are brought into greater jeopardy—and we have not yet fully mastered the lesson. The deterrent force of penalty publicly inflicted continues till now to be much over-estimated among otherwise very intelligent people.

“A notorious and accustomed swearer and curser” was in the same year (1655) made liable upon the first complaint to be admonished by the magistrate, and upon the second complaint he might be fined five shillings or be set in the stocks.

Few changes in the criminal legislation of the colony were made from the adoption of the new charter until the public laws were revised and printed in the year 1718. Changes subsequently made as these related to capital punishment are elsewhere indicated. At this time forgery, the altering of records, and other acts of the same nature, were punishable with imprisonment and a heavy fine: no change being made until 1797, when counterfeiting bank bills and coin, and the having such spurious money in one's possession with the intent to pass the same as genuine were placed in the same category with forgery, and penalties were prescribed as follows: Standing in pillory, having both ears cropped, having a cheek branded with the letter C, imprisonment not exceeding six years, and a fine not exceeding \$4,000, all or any of which penalties might be inflicted upon a culprit at the discre-



tion of the court. These penalties continued in force till the year 1838. By the law of 1718, on his first conviction of theft or larceny, the culprit was required to restore to the owner twice the value of the goods stolen, or to pay a fine, or to be whipped, at the discretion of the court. If a second time convicted of this offense, he must restore four times the value of the goods stolen, and pay to the colony a like sum, and be whipped or pay an additional fine. In either case if the thief were found unable to make the required restitution and to pay the fine imposed, he might at the discretion of the court be sold by the sheriff for a term of years, as many years as should be necessary to realize the sum required. In 1797 the penalty for theft was changed to a restoration of the value stolen, and a fine not exceeding \$1,000, or imprisonment not exceeding two years, or a whipping not to exceed fifty stripes; and at the discretion of the court all of these penalties might be imposed upon a single conviction. No change was thereafter made until 1838.

In 1739 the penalty for adultery was made whipping not to exceed thirty-nine stripes, or a fine of ten pounds or both. About twenty years later it was enacted that one found guilty of this offense should in addition to the whipping named be made to sit on the gallows with a rope around his neck. The same penalty was affixed to polygamy. In 1797 a change was made by which the penalty for adultery became a fine of not more than \$200, and imprisonment for not more than six months; at the same time one guilty of polygamy was to be set on the gallows with a rope round his neck for an hour and to pay a fine not exceeding \$1,000, or to be imprisoned at most two years; and so the law rested until 1838.

Perjury and the subornation of perjury were until 1838 punishable with standing four hours in the stocks, or a fine not exceeding \$1,000, or imprisonment not exceeding three years, or cropping, or branding, or all of these inflictions at the discretion of the court.

Between these dates (1787 and 1838) the penalty for fighting a duel or for challenging one to fight a duel, was sitting an hour on the gallows, or imprisonment for a period not exceeding four years, or both. At the same time horse stealing was treated as a distinct offense, to be punished with a fine not greater than \$1,000, imprisonment not to exceed three years and whipping not more than one hundred stripes. During a few years in the later part of this period, the burning of a house or other building under conditions such that the act could not be reckoned arson under the common law, was punishable by a fine of not more than \$5,000, and imprisonment not more than five years; also by standing in the stocks, cropping, and branding.

As late as 1835, corporal punishment in some form was a part of the legal penalty which might be inflicted upon a person convicted of any one of fifteen separate and distinct offenses, namely: Forgery, coun-

terfeiting, having in possession tools for making counterfeit money, having in possession counterfeit money, perjury, inciting to perjury, dueling, challenging to fight a duel, horse stealing, larceny, polygamy, setting fire to a building, and the crimes against nature. For many years, however, there had been a growing sentiment against the whipping post, the cat, the stocks, the pillory, and the branding iron, resulting at last in the abandonment of their use. They were sanctioned, indeed, by the statute, and in many cases they were made imperative; but when discretion could be exercised by the court, fines and imprisonments were generally substituted, and in those cases where no option was given and corporal punishment was required, the execution of this part of the sentence would be deferred till after the next session of the general assembly, which would almost uniformly remit or commute it.

In 1663 arson and rape were taken out of the list of capital crimes, and thereafter the crimes for which the life of the criminal might be forfeited remained unchanged for nearly sixty years. The number of these seems in our day large, but it was small by comparison with that of any sister colony, and very small by comparison with that of the mother country. The omissions are remarkable, no mention being made of atheism, as in Plymouth and Massachusetts Bay colonies; or of blasphemy, idolatry, the rebellion of children against their parents, the cursing or smiting of parents by children sixteen years old or more, or of false witness, as in Plymouth, Massachusetts Bay, Connecticut and New Haven colonies; or of defrauding the public treasury, Unitarianism, sacrilege, or refusing to attend public worship, as in Virginia.

Under the law forbidding high treason only two trials ever occurred in the colony, in each of which the accused was acquitted. The first was the case of Hugh Bewit, commissioner of the town of Providence, against whom complaint was made by Samuel Gorton, an assistant for Warwick, "of treason against the power and authority of the State of England." He was arraigned at a special session of the court of commissioners, and after a trial which continued three days he was declared "not guilty of treason."<sup>1</sup> In 1657 Mr. Roger Williams, then president of the colony, accused Mr. William Harris of treason, the charges being founded on words contained in a book written by Harris. He was required to give bonds for his good behavior in the sum of five hundred pounds; but the case was not pressed to trial.<sup>2</sup> No man ever was by the authorities of Rhode Island and Providence Plantations made liable to suffer the brutally cruel and revolting penalty of high treason, as this was at that time executed in England.

Quite as worthy of our notice is the fact that no man or woman ever

<sup>1</sup>Staples's Annals, 86.

<sup>2</sup>Staples's Annals, 118.

was arrested and prosecuted in this colony for the crime of witchcraft, though Providence was but a little more than forty miles from Boston at the time of the Salem delusion, when the jails of the Bay Colony were full of accused persons and twenty condemned witches were sent to the gallows, and when the old man, Giles Corey, was pressed to death for refusing to plead to this charge.

Exemption from the full penalty for burglary of children under fourteen years of age and of persons suffering the pangs of hunger evinces a humanity only too rarely manifested by legislators in that day. It may be that this exemption "savors more of humanity than of sound legislative discretion," as was observed by a learned judge of our Supreme Court half a century ago, but there are few at the present day who would think it right to hang for house breaking a child of tender years or an adult person who was starving on the day of his crime. The first instance where the sentence of death was pronounced against a convicted burglar occurred as late as Nov. 16, 1764, more than a century after this law was enacted. The man petitioned for a pardon and secured a reprieve of fourteen months in order that his case might be carried before the king with a recommendation to mercy, but a pardon was refused and he was hung on Easton's Beach in the Town of Newport. Except for military offenses, it is believed that no execution has since taken place in Newport county.

The penalty prescribed for stubborn rebellion on the part of a child and for assault made by a child upon its parent, at the most twelve months in the house of correction and a shorter period of incarceration if the child should sooner satisfy the parent that he was become of a dutiful spirit, is more nearly commensurate with his offense than that he be hanged, as was provided in the laws of other New England colonies. And how much more reasonable it seems that a thief be imprisoned till he make restitution, even though he first be whipped, than that he be hanged by the neck till he is dead, as was done with at least one "persistent thief" at Boston in 1670, and as was so common in England at that time and many years later.

Two forms of crime which became very common in the colony deserve special mention and at some length; these are counterfeiting and piracy.<sup>1</sup>

In 1710 when bills of credit were issued it was declared a felony in any way to deface or counterfeit these, the provisions of the act being extended so as to embrace bills of credit of other colonies and to provide for the extradition of counterfeiters. For a long time the courts were much occupied in the trial of counterfeiters. The penalties were severe but the deterrent effect of these penalties was not very great. In 1754 the penalty of death was pronounced against counter-

<sup>1</sup>See Arnold's Rhode Island.



feiters. Two years later when Spanish dollars for the first time appeared in circulation, the ingenuity of knaves was at once turned to the imitation of this more reliable sort of currency. In the following year it was made a capital offense to counterfeit any coin or knowingly to put such counterfeit coin into circulation. Two or three years later Samuel Casey, lying in Kings county jail under sentence of death, with several others suffering for the same crime, was liberated by a mob of friends, so disguised that they could not be recognized by those who perhaps had met them daily for years. These all made their escape upon horses provided by their liberators, and although a reward of fifty pounds was offered for the discovery and apprehension of those who perpetrated the outrage, and as much more for the recapture of Casey, no one ever appeared to claim either sum and no one of the criminals was ever retaken.

When lotteries were established by the Continental Congress, the general assembly enacted the penalty of death against any who should counterfeit the tickets issued. In 1782 an act was passed to punish with death whoever should counterfeit the bills of the Bank of North America. This was the first paper money issued in the country and made redeemable in specie on presentation, and it must be protected. One would think these enactments severe enough to deter would-be offenders; but counterfeiting continued to be regarded with no great disfavor by a considerable element of society in this and in neighboring colonies.

No mention of privateering in the colony is found previous to 1653, when the assembly met at Newport, commissioned Captain John Underhill, William Dyre and Edward Hull to proceed against the merchant marine of the Dutch and appointed a court of admiralty, consisting of the general officers and three jurors from each town, for the trial of all prizes that might be taken and brought into court; but a court of commissioners assembled in Providence the next month declared the action taken at Newport illegal, forbade the men to accept the commissions voted them and disfranchised whoever should recognize the validity of these commissions, until such persons should give satisfaction to the towns of Providence and Warwick. We need not suppose that those commissioners scrupled at privateering as a means of injuring an enemy and of getting to themselves riches, but only that they denied the authority of the Newport assembly, and that they regarded its action as rash and ill-considered in view of the colony's extreme weakness. Nevertheless the next spring another commission of reprisal was granted against the Dutch, and without formal remonstrance on the part of any in the colony.

When Governor Peleg Sandford was asked by the British Board of Trade concerning the matter he stated that "Our coast is little frequented, and not at all at this time, with privateers or pirates," seem-

ing to imply that there was but little difference between the privateers and the pirates of that day. Probably this was the correct view. Later a crew of privateers was brought into Newport, some of whom broke jail and laid a plot to murder Governor Sandford; this plot was divulged by one of their number, who, being afraid that the others might kill him, was permitted, at his urgent request, to remain in Newport when they were sent to Virginia for trial. Why they were sent away to be tried does not appear, unless we are permitted, in view of events that followed, to conjecture that the ruling sentiment at Newport was not such as to insure for them a fair trial and a just verdict.

At the close of the year Mr. Sandford declined to serve longer as Governor, and Mr. William Coddington, whose feeling toward such culprits seems to have been less unfriendly than that of Mr. Sandford, was chosen in his stead. In a very few years what had been recognized as allowable between the vessels of nations at war with each other degenerated into actual piracy, and naval freebooters frequently resorted to the New England coasts, where a certain laxity of public sentiment favored their unlawful operations. A privateer commanded by Captain Thomas Paine of Conanicut arrived in Newport, and the authorities, who were his neighbors and personal friends, took no steps toward her seizure. Deputy Collector Thatcher of Boston came to Newport and demanded of Governor Coddington aid in making her a prize, but met with a stubborn refusal. Captain Paine showed clearance papers from Jamaica, which the deputy collector declared a forgery, and again demanded the assistance of the Governor, and was again refused such assistance. He returned to Boston, secured from the Governor of Jamaica a statement that Paine's clearance papers from that island were forged, and sent this paper to Governor Coddington, who once again refused to do anything in the matter. There the case rested for awhile, to become at a later day the occasion of serious trouble to the colony. The attention of the home government being called to it orders were sent to Jamaica and to the New England colonies, directing these to proceed against privateering and piracy, the close kinship of the two being again frankly recognized. These orders were published in Newport by beat of drum, and a corresponding act was passed by the general assembly, making it felony to serve under any foreign prince against a power at peace with England, and making all persons liable as accessories who should give aid or countenance in any way to those who might be adjudged as privateers or pirates. But little could be expected from the action of a law that was enacted under compulsion, and that was at the same time sharply at variance with the well known sentiment and pecuniary interests of those whose duty it was to enforce its provisions. Privateers continued to be fitted out in Rhode Island, and to be manned by Rhode Island sea-

men, whose undisguised purpose was to engage in the same illegal acts. To prevent this it was ordered that no commission be granted unless a bond in the sum of one thousand pounds were given that the powers conferred by the commission should not be exceeded by him to whom it was granted. But it was easy upon the high seas to violate the terms of such a bond, and when this had been done it was easy to escape detection and punishment.

This unlawful business was not without its dangers and its financial losses. The ship *Foy*, Captain John Dennis, carrying eighteen guns and one hundred and eighty men, fitted out by the merchants of Newport to annoy the commerce of Spain, sailed away and was never again heard from (1756). Two large ships fitted out and owned principally by Col. Godfrey Malbone, mounting twenty guns each, one commanded by Captain Brewer and the other by Captain Cranston, sailed from the same port, and it is supposed went down the next day, upwards of four hundred lives being lost and nearly two hundred wives being made widows by the disaster. It is authoritatively stated that nearly every merchant in Newport at one time had funds invested in privateering, and we cannot suppose that these had anything like a monopoly of the business. It is safe to conclude that every town on the Narragansett waters having a port and a shipping interest was involved, when, as in 1759, nearly one-fifth of all the adult male population of the colony was serving on private armed ships,<sup>1</sup> and we shall not go far wrong if we assume that nearly all pirates were first privateersmen.

Privateers clearing for Madagascar and the Red Sea on trading voyages, with roving commissions against the French, became openly pirates when peace was declared. All New England had a part in these enterprises, so did New York and the West Indies. No real effort for their suppression was made until it was ordered by the home government. Then, under pressure, the Rhode Island general assembly passed an act ordering the arrest and trial of any person having in his possession foreign coin or merchandise; such person must satisfactorily explain how he came by these or be regarded as himself a pirate or in collusion with pirates. Immediately in each town proclamation was made calling for the arrest of all suspected persons and warning people not to harbor such or to receive of their goods on pain of being regarded their accomplices and abettors. An address to the king was prepared, in which there was full confession of past remissness and mention made of the recently enacted statute against piracy, and a continuance of the royal favor humbly supplicated. The general assembly was alarmed. With this address Governor Cranston sent a letter to the Board of Trade, in which he stated that two men suspected of piracy had just been arrested and that they would be brought at

<sup>1</sup>Arnold's *Rhode Island*, vol. ii, 217.



once to trial. But all this did not prevent the surveyor-general of customs from charging the rulers of the colony with being in alliance with pirates and with being enriched from the proceeds of piracy, supporting this charge by reference to the fact that the deputy-governor had issued a number of privateers' commissions after these had been refused by Governor Easton. The Board also demanded copies of all privateering papers issued, with a particular account of the trial of two priates, Munday and Cutler, recently before the court. Soon after came an order from the British cabinet to apprehend the notorious Captain Kidd should he appear in Rhode Island waters.

This man Kidd, who was an Englishman by birth, had commanded a privateer during the war with France, being commissioned with the title of admiral to act against pirates wherever found. He sailed from New York for the Red Sea in a government ship of thirty tons and a crew of sixty men, and himself immediately turned pirate. The change was slight. A fleet was sent to the East Indies to take him, but he escaped, came to the American coast and appeared in Rhode Island, where he had many influential friends, with whom he hoped to find a safe refuge. He also had a large number of friends in Massachusetts, and when his affairs became desperate, prominent persons financially interested with him, came to his assistance from New York and from Albany. By stratagem he was lured from his retreat of comparative safety in Rhode Island to Boston, where he was arrested, sent to England, and in the following year gibbeted for his crimes.

The work of extirpating piracy was exceedingly difficult. One Bradish and other pirates equally well known had been permitted to escape from Newport jail not long before. The evidence of connivance on all sides was abundant and a great mass of documents exists supporting the worst charges made against the rulers of the colony by the English officials. Among these documents is an order from the wife of Captain Kidd, who was with her husband in jail at Boston, upon the famous Captain Thomas Paine, before mentioned, for twenty-four ounces of gold, to be used for their sustenance while prisoners. The correspondence of Lord Bellomont is full of the names of Kidd's accomplices, who from time to time resorted to the waters of Rhode Island, and also of the names of well known citizens, who on such occasions harbored them. A sad picture of society in the colony is presented, scarcely better than was to be seen in New York, where Bellomont declared "The people have such an appetite for piracy that they are ready to rebel as often as the government puts the law in execution against it." It was even declared necessary to put the governors of Connecticut and Rhode Island under bonds of three thousand pounds each to enforce the law against piracy. Governor Cranston was denounced for "conniving at pirates and making Rhode Island their sanctuary." Lord Bellomont died and there is no record of any

movement further against this entrenched crime till 1718, when the legislature authorized the governor to equip a force against pirates and ordered that any prizes taken should be given to the captors. It was further ordered that the pirates then in Newport jail should be held till the king should make known whether he would have them tried here or sent to England for trial.

Two piratical sloops sailing in company captured the ship *Amsterdam*, plundered and sunk her. Later they took a Virginia sloop, rifled her of whatever they wanted and let her go. The next day she fell in with the English sloop of war *Greyhound* and told of her capture and release. Four days later the *Greyhound* fell in with the pirates off the coast of Long Island, who at once attacked her, flying black and red flags at their mastheads. In the engagement which followed one of the piratical sloops was captured with her crew of thirty-six men and taken into Newport. There had been a reformation in the popular feeling during the last twenty-five years, or perhaps the necessity of a change of method had become apparent to officials. At any rate there was now no effort at temporizing. The general assembly ordered a military force to guard against a possible jail delivery. An admiralty court was summoned, such as guaranteed that the criminals should not escape justice. Their trial continued two days and resulted in the conviction of twenty-six men, all of whom were sentenced to be hanged (July, 1723). Their execution occurred on Gravelly Point, opposite the town, and their bodies were buried between high and low water mark on the shore of Goat Island.<sup>1</sup> Their names indicate that they were of English extraction, and it is certain that Rhode Island, and perhaps Newport, was represented amongst them. Some fifteen years after four pirates were executed at Newport, and as late as 1760 two other seamen were convicted of piracy and executed on Easton's Beach.

A remarkable case of posthumous punishment occurred in 1706. A slave at Kingstown murdered the wife of his master under circumstances of singular barbarity, and then drowned himself that he might not be taken alive. Two weeks later his body was found on the shore at Little Compton. It was impossible to hang him by the neck till he was dead. He had placed himself beyond the reach of human penalty. Something, however, must be done to deter others from the commission of a like crime. There was no law for it, but necessity is above law. Evidently the general assembly so reasoned when it ordered his head, legs, and arms to be cut off and hung up in some public place near Newport, and that his body be burned to ashes. This sentence was duly executed; but that it accomplished its design would in the light of subsequent events be too much to assert.

<sup>1</sup>Bull's *Memoirs of R. I.*

It is easy to over estimate the deterrent influence of severe penalty. This fact realized by thoughtful persons prompted many to doubt the efficacy of capital punishment and a movement was made at an early day for its abolishment. The number of crimes for which the death penalty was exacted was gradually reduced.

By the code of 1647, as was before noted, the death penalty was affixed to "high treason, petit treason, murder, manslaughter, witchcraft, burglary, robbery, arson, rape, and the crimes against nature." In a revision of the laws made in 1718, arson and rape were omitted from the list of capital crimes. Fifty years later witchcraft was also dropped. After thirty years more arson and rape were again included; while treason and the crimes against nature were taken from the catalogue. From this date till 1838 there was no change in the law, though the execution of the death penalty was less frequent in each new decade; but in that year "imprisonment was substituted for the death penalty for all crimes except murder and arson," the latter being punishable by either imprisonment or death as the court should determine. The last man hanged in the state of Rhode Island was John Gordon, who was executed in 1844 for the murder of Amasa Sprague, a prominent citizen and manufacturer. There was a wide spread conviction, which has since increased in strength, that he had been convicted upon insufficient testimony; and this conviction doubtless stimulated the growing sentiment against capital punishment. The number of executions in the colony and state has never been large as compared with adjoining colonies and states, or in its ratio to the whole population. A very large majority of them were for murder. In the year 1852 capital punishment was abolished and life imprisonment became the extreme penalty for crime in this state. Twenty years later the death penalty was re-enacted for murder committed by one at the time "under sentence of imprisonment for life." There has never yet been a man hanged under this enactment, no life prisoner having been found guilty of murder.

From time immemorial, with the landed aristocracy of England whipping had been a favorite mode of punishment for minor offenses committed by persons belonging to the lower orders in society. By the first settlers it was transplanted to this colony, as it was to each of the other colonies; it was the penalty provided in the code of laws adopted by the first general assembly, as suited to drunkenness and other offenses for which a short term in jail would be now allotted, the alternative being a fine. From the beginning two penalties were enforced for the same offense, a whipping for the very poor man, and a fine for his better conditioned neighbor, to whom a few shillings was not an impossible sum of money. The method of procedure in a case of drunkenness was by affidavits and affirmations presented to the town council. A typical case which occurred in Providence in 1649 may be



of interest. The following are copied unchanged from the original documents: "I, Nathaniel Dickens, doe declare agaynst Robert Williams, for beinge Drunke that day the pinice of Mr. Thoekmorton was taken in possession by Benedict Arnold, this last sumer, which eveninge he put the towne to 12 shillings charge in settinge of a needlesse wach; at another time for challengeing a man to fight in his own house." "Mr. Dexter doth affirm yt Mr. Scott beinge also present, hee saw Mr. Robbert Williams reele to and fro like a drunken man, and Daniel Cumstock went to help him, that day the pinice was taken possession of." "John Olderkin affirms yt there was a writtinge in Robert Williams his hand, yt he had the keeping of, and was some way defeated of it, which sett him in a rage, and then he would come at force, and so John Olderkin came with him, and would have had him goe home or to his brothers; and he would not, but would goe aboard agayne; and as he was goinge he tumbled overbord and could hardly bee recovered, and soe John Olderkin went his way, and sent Daniel Cumstock to look to him."<sup>1</sup> Evidently Mr. Robert Williams was what we should call fighting drunk, but being a prominent citizen he paid his fine and escaped the whipping post. Somewhat later, the brothers Joe and Ben Dale, were soundly flogged for getting drunk and fighting.<sup>2</sup>

In 1655 two "ordinary keepers were appointed in each town," and leave was given to add one more if the town saw fit. These were the only persons authorized to sell strong drinks "either to English or Indian in a less quantity than a gallon;" and they were forbidden to sell "above a quater of a pint of liquor or wine a day" to any Indian. "If an Indian were found drunk, he was to be whipt or laid neck and heels"; but it was ordered that the "ordinary keeper by whose means he is made drunk shall pay twenty shillings for each person's transgression." There being no doubt that an ordinary keeper would have twenty shillings always at his command, no mention is made of whipping in connection with his offence.

There must have been some flagrant breach of decorum during the sessions of the court of commissioners at Portsmouth; for in 1755 it was found necessary to enact "that in case any man shall strike another in yt court, he shall either be fined ten pounds, or whipt according as ye Court shall see meete." Whether the warning proved sufficient or whether an angry individual at a later date so far forgot himself as to call for either infliction is not recorded.<sup>3</sup>

One Uselton, a graceless blackguard, having been sentenced at the last Court of Trials to leave the Island of Rhode Island for the peace and comfort of its well disposed citizens, and refusing to go he was

<sup>1</sup>Town Papers, 1648.

<sup>2</sup>Town Papers, 1704.

<sup>3</sup>Arnold's Rhode Island, vol. i, 257.

brought again before the general assembly in 1761, when his conduct and language became so insulting that he was sentenced to receive at once fifteen lashes well laid on and to be sent away immediately, with the promise that if he was found again in the colony he would be punished again with the same number of lashes.

At one time it was ordered that all intentions of marriage should be posted in some public place for at least fourteen days, by and with the magistrate's consent, and if this order were not complied with it was provided that the contracting parties should be punished by fine, imprisonment or whipping—which of the three being determined by the financial ability of the delinquents and the convenience of the magistrate.

Illegal voting was common from an early day and was punished with a fine or whipping not to exceed twenty-one stripes or imprisonment for the period of one month.<sup>1</sup> That this law was better enforced than the now existing statute against the same offense does not appear.

A young Indian in the town of Portsmouth attempted to kill his master. No law being found to meet the case the general assembly (1727) ordered that the culprit be branded on his forehead with the letter R, a hot iron being used for the purpose, and whipped at the tail of a cart at all the corners in Newport, ten lashes in each place; and that he should then be sold out of the colony to pay the costs of his punishment, and forbidden ever to return.<sup>2</sup>

The offenses for which whipping was thought a suitable punishment were many and various, from profane swearing to horse stealing. Mary Williams came from Albany to Providence and being at the last named place adjudged a vagrant, by which we need not understand more than that she was a poor and friendless stranger, though she may have been worse, she was sentenced to be "whipped five stripes well laid on her naked back at the public whipping post in the said Providence, on the fourth day of this September at about eight o'clock," and to be sent immediately thereafter out of the state by the most direct road leading toward Albany.

Peter Tollman applied for a divorce from his wife, charging her with adultery. She freely admitted her fault, the petition of her husband was promptly granted and she was arraigned at once before the general assembly to be sentenced for adultery. The penalty passed upon her was that she pay a fine of ten pounds and receive fifteen stripes at Portsmouth on the following Monday, and another fifteen stripes at Newport one week later, and that she remain in prison till the full sentence should be executed. She pleaded for mercy, as well she might; but on being asked whether she would return and live again with her husband who had published

<sup>1</sup>Arnold's Rhode Island, vol. ii, 57.

<sup>2</sup>Arnold's Rhode Island, vol. ii, 93.

her fault and just now divorced her, she refused to do this upon any terms. A whipping, much as she feared it, was preferable to his companionship. She was remanded to jail to await her punishment, but escaped from jail, fled from the colony, was absent two years, returned, still refused to live again with her husband, petitioned the court for mitigation of sentence, and had this reduced to fifteen stripes, the fine being remitted. The stripes were inflicted at Newport in May, 1667.

At one time, in 1772, when horse stealing had become very common, a severe law was enacted for its repression; the estate of the thief was to be confiscated, he was to be three times publicly whipped, receiving each time thirty-nine lashes and to be banished from the colony; in case of his return he was to be hanged by the neck till he was dead. Whipping continued to be the penalty for horse stealing until a comparatively recent date. The last instance of public whipping was for this offense, on the green in front of the court house at Providence, July 14, 1837. It had been for a long time in disuse; and its infliction at this time calling attention to the half-forgotten fact that it was still legal, it was soon after struck from the statute book as a relic of darker days, unworthy longer to have a place in a Christian commonwealth.

The venerable father of the writer, now advanced in age far beyond four score years, tells of a public whipping that he witnessed when a boy, in the village of Washington. The culprit was a negro, a stranger in the community, who being drunk at the time, stole a pair of badly worn woollen stockings which he found on the ground where they had fallen from the clothesline; they were the property of the deputy-sheriff, who arrested him next morning in the barn where he had slept during the night. There was no doubt of the negro's guilt, he having the socks in his possession when arrested. He was promptly sentenced by the village justice to be whipped at the signpost of the public house; and the sentence was immediately executed with evident satisfaction by the deputy-sheriff who had secured the warrant for his arrest, who had arrested and committed him to jail, who had testified against him before the court, whose property the stockings were, and who being the village tavern keeper had sold him the rum which he drank on the day of the theft. We may suppose that the honorable official who thus represented the majesty of the law did not fail to congratulate himself that his legal fees in the case aggregated many times the value of his stolen property—which by the way was restored to him by the court.

Penalty calls for agencies and appliances. By universal consent jails and prisons are necessary. The need of such institutions appeared at the very beginning of our colonial history. The first admission of freemen in the settlement at Portsmouth occurred August 16th, 1638; and at the same time, when no man had been in his place more than a very few weeks, it was ordered by the town meeting that "a pair



of stockes and a whipping post" be immediately constructed. The movement was not too soon, nor was the work complete long before there was a use for it. A few days later eight men were arrested by warrant for "a riot of drunkenness," and being brought before the town meeting, the only court then and there existing, five of these were sentenced to pay fines, and three who presumably had no money were put in the stocks. During the same summer a vote was taken to build forthwith a house "for a prison, containing twelve foote in length, and tenn foote in breadth, and tenn foote studd," and of "sufficient strength." The construction of this building was entrusted to Mr. William Brenton, and was finished during the following winter. Mr. Henry Bull, "near" or "joyned unto" whose dwelling it had been placed, was appointed its keeper. This jail, the first erected in the colony, was located in the southwest part of the Island Aquidneck, which was at about the same time set off from Portsmouth and incorporated as a separate town under the name of Newport.

At a general court held at Warwick some ten years later it was ordered that "each town within this colonie shall provide a prison with a chimneye and necessaries for any offender that shall be committed, within nine months." The towns at that time were but four—Providence, Portsmouth, Newport and Warwick. It was further ordered that in the meantime "the prison at Newport should be the Colonie prison, and Richard Knight shall be the keeper of it." The colonists were very poor, dissensions arose between the northern and the southern towns, and we find that six years later the terms of this order had been so far disregarded that not a new prison had been built or stocks set up anywhere in the colony. This order was now amended so as to require a new prison at Warwick only, with a pair of stocks at Providence and at Portsmouth; but though the matter was much agitated and constantly kept before the people, and even the date at which the work should be completed was fixed, nothing was ever done toward carrying out its provisions. At Newport, however, the old prison was enlarged and reconstructed so as to make it practically a new building.

When yet another ten years had elapsed and matters still remained as they were, at the May session of the general assembly in 1658, the "Court fynding by experience how difficult it will be to procure two prisons according to the former order, as also two cages, and alsoe the great uncertainty and difficulty as will from time to time arise in the using such prisons and cages for want of sufficient keepers, and furthermore taking into consideration the direct and absolute way and course that the town of Newport have lately taken for the present furnishinge the prison in their towne, which prison is already in a forwardness—upon the consideration of the aforesayed, the Court do order and declare that sayd prison house at Newport be accordingly finished as the sayd towne have lately agreed to doo, shall be accounted

to be the prison for the occasions that may arise in any part of the Colony to make use of the same." In other words, when the assembly saw that the people could not be induced to obey its order, and was unable to enforce obedience it annulled the order and made another requiring less, and sent this out hoping that it might receive better treatment. Providence and Portsmouth were excused from building cages, and Warwick from building a prison, and it was permitted the prison at Newport to do service for the whole colony. The general sergeant was appointed to "take care that the prison be not voyd of a sufficient keeper," and the town of Newport alone was required to meet the expense of keeping it in repair. The cost incurred in its reconstruction was apportioned upon the other towns; Providence to pay thirty pounds, Warwick twenty pounds, and Portsmouth ten pounds, in addition to what had been paid already by the latter town.

The office of general sergeant was successively held by Richard Knight, James Rogers, Thomas Frye, and Edmund Calverly, each in his turn providing a keeper for the prison or keeping it himself; the period of service covered by these four was not less than thirty or thirty-five years. The last named, Calverly, seems to have been a very inefficient officer. His honesty may be questioned; though, when a serious misunderstanding arose between him and the attorney-general, and he was charged with culpable neglect of duty, and the general assembly found him to be deeply in the wrong, he was nevertheless excused on the ground that he had erred "not through wilfulness, but through ignorance," and at another time when he had permitted seven prisoners to escape "by leaving the prison doore open," he was again excused because of his "poverty." Ignorance and poverty would seem a somewhat unsatisfactory reason for holding in his place by annual election for half a generation a keeper who left the prison door open and allowed the prisoners to walk away at their leisure. It is easy to suspect that the general assembly may have acted from some motive other than charity and good will for public functionaries.

The office of the general sergeant was at about this time merged into that of sheriff, and Capt. Thomas Townsend was elected to this position. Whether he was as ignorant and poverty stricken as his predecessor is supposed to have been we are not told; but it appears that before he had been long in his office, either by connivance or by wilfull neglect, he allowed a prisoner under indictment for the crime of piracy to escape. The assembly for some reason less considerate now than when Calverly was prison keeper, sharply censured him, and a little later the matter was made the subject of a special investigation by the royal council.

In the meantime the need of increased prison accommodations had been brought again and again to the attention of the general assembly, and more than once action taken by this body in view of such necessity

had been rendered futile by the studied inactivity of the several towns. In 1663 it was ordered that a cage be built with its inseparable companion, a pair of stocks, at Warwick, but the work was never begun. Some twenty or more years later, the royal commissioners having established a new province in what has been since known as the Narragansett country, ordered a prison to be built and stocks to be set up at Kingstown, then called Rochester; the expense to be met by the proceeds from the sale of thirty unmarked wild horses running at large in the province, which were to be caught and sold under the direction of the justices of the peace, without regard to the property rights of their owners. Daniel Vernon was made marshal of the province and appointed keeper of the prison; but it never was erected and the stocks ordered were never provided.<sup>1</sup> It seems not unlikely that the independent spirited settlers of the Narragansett country objected to having their horses confiscated and incorporated into a jail in the manner proposed.

In 1695 the general assembly, "still sensible of the want of a prison upon the main land," directed that one be built at Providence and at the cost of that town; but as we have so often seen, the authority of the general assembly rested quite lightly upon the several towns of the colony, and it is doubtful if at this time any real effort was made by the citizens of Providence to carry out its wish. Still at a town meeting held in the month of February following it was voted to build a prison ten feet wide and twelve feet long, "near the water's side, next Gideon Crawford's warehouse."<sup>2</sup> Two months later and before any steps had been taken toward putting this action into effect, the town voted to change the location; and the record says that "whilst the matter was in probagating by the town obstruction was made by Samuel Winsor against the same, thereby raising such a tumult among the people that the moderator was put upon to dissolve the meeting." The matter was now for a time dropped. It is difficult to believe that, if it had been built, a ten by twelve prison would have been sufficient to meet the demands of a community so contentious as Providence was at this period in its history.

No further movement was made during the next quarter of a century, when in 1698 a tax of thirty pounds was ordered to build a prison in Providence, and a committee was appointed with instructions to see that the order was carried into effect.<sup>3</sup> At an early date this committee reported the work finished, at a cost of twenty-one pounds and seventeen shillings, the necessary locks not being included in this sum. The structure thus provided was not at all what was needed, and it had but a brief existence. It was destroyed by fire at some date previous to

<sup>1</sup>Potter's Narragansett.

<sup>2</sup>Staples's Annals, 179.

<sup>3</sup>Staples's Annals.



the year 1705. For reasons now impossible to learn, the general assembly required Joseph Lapham and John Scott to build another jail as good as that which had been burnt, or failing to do this to forfeit the sum of thirty-three pounds. They preferred to pay the money, thirty pounds of which were immediately appropriated to the work of rebuilding. This jail was located on the west side of Benefit street, nearly opposite the old Grammar School House, and not far from the junction of Benefit and North Main streets. Probably the older jail which it replaced had been located on the same spot. This lot of land was abandoned as a prison lot in 1733 and five years later was sold by the town.



OLD PROVIDENCE JAIL, ERECTED 1705, DEMOLISHED ABOUT 1885.

This building was located on "the prison lot" nearly opposite the Benefit street School House, the rear portion of the house was the part used for the jail. It was abandoned in 1733.

The prison just described was wholly inadequate for colonial purposes. Newport was the chief town in the colony with a population twice as large as that of Providence, and there nearly all public business, criminal and other, was accustomed to be transacted. Newport had a jail whose estimated value was one hundred and fifty pounds, within whose walls domestic offenders with privateersmen and pirates from abroad had been hitherto confined, the latter not always securely confined, as we have seen, and this might be made sufficient for the

purposes of a colonial prison. Accordingly it was voted by the general assembly at its May session in 1702 that the "Governor and Council, or any four of these, shall have power to cause to be erected in the town of Newport a good and sufficient jail, and cause the same to be fully completed and finished as in their wisdom shall seem meet"; and instead of laying the expense upon the town treasury as had been in so many instances fruitlessly attempted when it was desired to build prisons, or of resorting to the absurd expedient of catching wild horses as the royal commissioners wished to do at Kingstown, the Governor and council were directed "to take and receive from the general treasury of the Colony so much as should be sufficient to finish and complete said jail." Afterwards the sum of one hundred and fifty pounds was appropriated for the purpose. At a later date the work done with this money is spoken of as repairs made to the jail; from which we may infer that upon consideration it seemed wiser to improve the old than to build a new structure. Evidently all that was done was less than the needs of the case. Probably the required funds were not to be had easily. We know that at that time money for any public enterprise was not easily secured. So the work dragged along from year to year, only so much being done at any one time as could be no longer deferred, and the jail continue in use even as a very inadequate and unsatisfactory place of confinement for the criminals of every class who must be held within its walls.

At last the sheriff protested to the general assembly against its condition, and the matter was referred to Deputy-Governor Sheffield, with power to decide what should be done. The following year when the subject was again called up the jail was reported to be in a ruinous condition and daily growing worse; there was no such thing as holding secure any person committed to its keeping, "the which might prove to the unspeakable loss of creditors," and surely would "greatly encourage malefactors." We should remember that a jail in those days was quite as much for the imprisonment of poor debtors as for the restraint of law breakers; and the escape of the former was regarded as a public calamity at least equal to the escape of the latter. Between an unfortunate who could not pay and a knave who would steal, but little difference was made. It was therefore ordered that Lieut.-Col. John Wanton and Mr. John Odlin be a committee "to repair, rebuild, augment and enlarge the house and jail aforesaid, so as to make it substantial and firm, and fit for the use intended." This order was understood to include the repairing of the keeper's house, which had become so dilapidated as to be "not tenantable." The committee was also "to build or cause to be built a good and sufficient yard, adjoining and contiguous" to the jail. The cost was again to be paid out of the general treasury. The necessary funds were obtainable, as an act was passed this year to issue bills of credit

to the amount of £30,000; paper money being easy to print and as valuable as any other money so long as it was received at its face value in exchange for merchandise and labor. Two years later the committee presented its account to the general assembly when the cost of all that had been done was found to be £426 19s. 5*d.* The members of the committee were allowed £3 each for their services. It appears that the addition to the jail yard ordered was not made at this time, as it was not until eleven years later that the sum of £20 was appropriated to pay for the same. The metropolis of the colony now had a jail commensurate with her importance; and though it was permitted each town on the mainland so disposed to build a house of correction and even a small jail within its boundaries, the statute expressly forbade the keeping of offenders who might be waiting trial in these places "longer than till they could be conveniently transported to Newport jail."

When the colony was divided into counties in 1729, each must have its own county seat, with a court house and a jail. It was ordered that in Kings county, these "be set upon the hill, near Robert Case's dwelling house in South Kingstown." The hill thus described has been known for many years as Tower Hill. They were miserably built, at the best scarcely fit for use, besides being most inconveniently located, and a constant tax upon the public funds. The people of South Kingstown and prominent citizens in different parts of the county at length decided that new buildings were imperatively needed. Three gentlemen, wealthy landholders, Messrs. Elisha Reynolds, William Potter, and Latham Clark, proposed to give all the land that should be required and to erect the necessary buildings at their own expense, provided only that the location should be changed to Little Rest Hill. This was some miles nearer the middle of the county than the old site, and in every way more convenient to reach for a large majority of the people. Such a generous offer could not be rejected, though the protest was vigorous and emphatic from dwellers in the vicinity of Tower Hill. The gentlemen named gave a bond in the sum of £20,000 for the faithful performance of the conditions which they had themselves proposed; and before the year ended the court house and jail were completed and ready for use, in the place agreed upon. This was not the jail from which a number of prisoners escaped forty years later by the help of masked friends, and fleet-footed Narragansett horses on which they rode away to safety.<sup>1</sup> When it had been used twenty-five years complaint began to be made that it was sadly out of repair. This complaint was repeated annually till the Revolution being an accomplished fact, and Kings county hav-

<sup>1</sup>But it is a curious and unexplained coincidence that one of these fugitives bore the name of Elisha Reynolds, the rich and public-spirited landholder, who contributed to build the first jail on Little Rest Hill.



ing become Washington county, it was declared that nothing less than a new jail would suffice to meet the needs of the case. Complaint was also made against the lot on which the jail stood. However, nearly ten years passed, with nothing of importance in the way of repairs and no steps taken toward new buildings, when a committee was raised by the general assembly to secure a lot of land more eligibly situated than the one heretofore occupied, but like this located on Little Rest Hill, and to prepare plans with estimates of the probable cost of the required buildings. This committee reported without unnecessary delay that a contract had been entered into for a suitable piece of ground on the south side of the road; at the same time plans were submitted for a structure forty feet long, thirty-two feet wide, and two stories high. This report with accompanying plans was promptly adopted and the sum of £2,100 in bills of credit was appropriated to carry the action taken into effect. The work occupied two full years, and cost £694 7s. 5d.; the expense for superintendence was £90 additional.

In the meantime a court house and jail had been built in the city of Providence, at a cost of £664 9s. The jail must have been a very poor affair; for only four years later, January, 1733, a new jail was required, and it was decided that the old one with the land on which it stood should be sold and the proceeds applied to the cost of the new structure. The hope was expressed that some public-spirited person would give a lot on which it might be built. In any case a new jail was to be erected "in some suitable and convenient place in Providence, of the same bigness as that in Kings county." The matter was entrusted to Mr. Daniel Abbott, the sheriff of the county, with two other gentlemen, who purchased land on the north side of a road leading to the ferry at what was known as Narrow Passage, long after known as Jail Lane, and now for many years called Meeting street,<sup>1</sup> near the northwest corner of Benefit street. The building here erected, like its predecessor, proved but a temporary structure; but the Spanish War, the French War, the invasion of Canada, and other public matters at a distance so engrossed attention that nothing further was attempted for twenty years. By this time the volume of paper money had enormously increased. It was an era of fictitious prosperity. Everybody thought the colony rich, and the general assembly, willing to encourage such a delusion, was at last prepared to act vigorously in the matter of a new jail. Appropriations were made amounting to £2,000. The old jail and jail lot were sold. The new jail was built on land given by the proprietors of Providence and located on the borders of the Cove, partly over the water, where Canal street now is.

Bristol county, composed of territory hitherto within the bounds of

<sup>1</sup>Staples's Annals, 180.

Massachusetts, was incorporated in 1747, with the town of Bristol for its shire town. A court house and jail were at once provided; and in 1793 a second jail was built at an expense of about one hundred and ten pounds.

In 1750 Kent county was incorporated, being composed of the towns of East Greenwich, West Greenwich, Warwick, and Coventry, which were taken from Providence county, and having East Greenwich as its shire town. The citizens of the new county were required to provide themselves with the necessary county buildings. Having agreed to this condition and when the buildings were nearly complete, upon their petition the general assembly voted them a grant for a lottery, the proceeds of which were to be used in finishing and furnishing the court house and jail. In 1779 and again fifteen years later extensive repairs were made.

After the War of Independence, and when the state government had been fully established, the need of a state prison was apparent. Up to the date of the occupation of Newport by British forces the jail in that town had continued to be used as a colony prison; and when a change became necessary the jail in Providence was turned to the same use. We have seen how unsuited it was from the beginning to its purpose; yet it was not until far into the last decade of the century that a movement was started to improve its condition. A committee of three was appointed, and instructed to become acquainted with the needs of the case and to consider whether thirty pounds might not be sufficient to cover all necessary expense. This committee reported that the building was not worth repairing, and recommended that the lot on which it stood, which for the most part was under water twice every twenty-four hours, be filled as far out as the channel, and that on this a new jail be built. The thought of the committee was to combine a state prison with the Providence county jail, and to administer the two with a single corps of officers, so that both state and county prisoners might be able by their labor to contribute at least a portion of the cost of their maintenance. This project gained for itself so much favor and support that the general assembly in June, 1794, was induced to appoint a committee with instructions to erect a building fifty-three feet long by forty-two feet wide and three stories high. The sum of two thousand pounds was voted for the purpose, and directions given to proceed at once with the work.

But opposition to the plan adopted at once appeared. The feeling against it was strong, and was not confined to any small number of persons. It was active and stubborn. The proposed connection between county jail and state prison was by many regarded as inexpedient. These urged that each of the institutions named should be independent of the other and under a separate management. On the other hand it was urged that a separate state prison would involve very

great expense, much greater than the few criminals of the grade for which it was designed would warrant. It was further claimed that the plans offered were not fully matured; and without doubt these were open to well-founded criticism. Nothing was done at this time, and in January, 1795, all action that had been taken by the general assembly in the matter was revoked. The appropriation was not, however, annulled; and a committee was appointed to build upon such a plan as might be agreed upon by the representatives from the town of Providence. An additional appropriation of two hundred pounds was made in the following June; and now the whole matter was again permitted to rest for a period of nearly two years. A policy of obstruction and delay was pursued by those who would have nothing done that would involve an expenditure of the public funds. In a matter of so great importance it was well that hasty action should be avoided; but no sufficient reason appears for such delay and inactivity as attended every effort to improve the penal institutions of the state.

A disposition to advance once more manifested itself when the general assembly ordered in October, 1796, a committee of five of its members to prepare a plan for a jail in Providence, "together with a plan for the confinement of criminals to labor, to be connected therewith, and also a plan of discipline." Seven months later these reported a plan for a building to cost \$12,000, incorporating into their report the rules and regulations which had been adopted at the Walnut street jail in Philadelphia. An utter failure to grasp the subject intrusted to them appears in the appropriation asked for by this committee. No well-informed person could think it sufficient for such a structure as was contemplated by the system proposed. It was next ordered that the jail lot be filled and made ready for the foundations; this work to be done under the direction of three gentlemen who some years earlier had been constituted a committee with power to build according to a plan which since that time had been permitted to drop out of sight. The jail lot was filled and another period of inactivity followed. It was then ordered that foundations be laid, and \$1,000 was appropriated to meet the expense. Something had been done; but the same adverse influences that had hitherto frustrated each advance movement were still powerful enough to prevent the erection of a state prison. The foundations were in place, but that institution which the general assembly had so many times approved could not be builded upon them.

The general assembly in 1798 voted that "a County Prison should be built in Providence on the foundations laid for the erection of a State Prison and Penitentiary House," with "such alterations in the prison and apartments from those contained in the plan for building a State Prison and Penitentiary House, reported to the Assembly in June, 1797, as are necessary, in consequence of the rejection of that part of said plan which related to the state prison." Arrangements were



made to receive proposals for building. The old plans were still in the hands of the architect who had prepared them, and when a portion of them was rejected, he declined to permit the use of any other portion. A contractor now presented plans agreeable to himself at least, and was authorized to build a brick structure in harmony with their requirements. From time to time during the year various sums were appropriated aggregating \$7,700. A committee was now raised to inspect the work and to settle with the contractors, by whom it was agreed that when some slight changes had been made they would accept and declare the building finished. The contractors still had a claim of \$1,200 which the assembly allowed; later on they were paid an additional sum of \$226. A Mr. Smith of the building committee, for services rendered as superintendent, received \$200. The whole cost of the building was a little more than \$9,000.

As might have been expected, in view of the circumstances under which it was erected it was never satisfactory and it was always in need of repairs. An appropriation was for thirty years annually made to keep it in condition to be used. Largely the money thus voted was poorly expended. It steadily grew less and less suited to the purpose for which it was designed. Every sort of abuse and irregularity existed in its administration. Illicit communications between prisoners and the outside world were easy. Traffic in forbidden articles was carried on with little effort at concealment. It became a horrible place and was for years "a disgrace to the state and a nuisance to the town."<sup>1</sup> Meanwhile the project for a state prison was not dead; it only slumbered.

Since the beginning of the century the subject of prison discipline had attracted a good deal of public attention. Some dared to hope that even an incarcerated lawbreaker might be reformed and made a law-abiding citizen; but it was declared that in order to do this there must be a reformation in the character of the jails and prisons in which offenders were confined. Everywhere these were in wretched condition. It does not appear that the jail in Providence with all its horrors was worse than many others. Generally the buildings were comfortless and insecure. Scarcely any attention was paid to sanitary conditions. Numbers were crowded into a single cell. A short period of confinement was usually enough to undermine the strongest physical constitution; the time was spent in idleness. Jails and prisons were schools of vice and crime. If their design had been to make each prisoner at the expiration of his sentence worse than he was at its beginning, this result could not have been made surer than it was. But reform was in the air. Men of broad minds and generous impulses were determined to

<sup>1</sup>Staples's *Annals*, 181.

find a better way. What should be the object of imprisonment was a question carefully considered. Soon it was discovered that this must be something more than to punish crime. The welfare of the wrong-doer must not be forgotten. That he had rights which society was bound to respect must be recognized, and of these rights he must not be deprived. Several things must be provided for, safe keeping, moderate expense, the restraint of crime, maintenance of health, the moral and intellectual improvement of criminals, and that these be occupied with some useful employment. Some believed that such ends would be best served by completely isolating the prisoner from his fellow prisoners, confining him in a cell by himself, where he should work and live, eat and sleep, never seeing a fellow prisoner, rarely if ever having a visitor, known to his keeper by number only, the number of his committal or of the cell which was his living grave. This plan may now be studied in the Eastern Penitentiary at Philadelphia, where it still exists somewhat modified, but with all its merits and all its defects plainly discernible. Another plan preferred by others, and first successfully administered at Auburn Prison in the State of New York, has since been so generally introduced that it may be regarded as the American System. Its salient features are a separate cell for each convict at night, congregate workshops by day, silence except at certain designated brief periods, the privilege of conversing with the inspectors and prison officers, and also with visitors in the presence of an officer, religious exercises in a chapel constructed for the purpose, and in a few cases eating together in a mess room. When the subject of a state prison next came before the general assembly of Rhode Island, these two systems were being carefully weighed against each other by many intelligent and thoughtful persons in public and private life.

A committee was appointed in 1825 to examine the Providence county jail, and to learn how this could be disposed of to the best advantage and a new one built. This committee was given power to report plans and estimates. The opposition was still alert, and immediately took alarm. The subject must, however, receive attention. As in former cases a policy of obstruction and delay was immediately inaugurated. Another committee was raised and instructed to report on state prisons in different states. Very naturally the gentlemen composing this committee desired authority to visit the other prisons and to make themselves acquainted with the matters concerning which they were ordered to report; but this would involve an expense to meet which no provision was made. Eight months later another committee was directed to visit the prison at Auburn, New York, and other prisons as the committee should think proper. Perhaps it was not expected that any work would be done; at any rate there is no evidence that visits were made or a report rendered. The result achieved was that intended by the opposition. Nothing was done.

Two years later, in 1827, the general assembly was again compelled to give the matter consideration; a committee was appointed to examine the jail and the lot on which the jail was located. A prompt report was made that a new jail was urgently needed, with a recommendation that four or five acres of land be purchased at Great Point on the north side of the Cove in Providence, on which it should be placed. This committee was continued and one added to its number. No action was taken on its report, however; and again the subject was permitted to lapse into a state of suspended animation. It was clear that nothing would be done by the general assembly till there should be brought to bear upon that body a pressure which it could not well resist; and it was resolved by the people that the general assembly should feel such a pressure. A petition was circulated for signatures, and presented, numerous signed, to the general assembly, asking that a state prison be at once built. The necessity of taking the matter seriously in hand and arriving at some definite conclusion was now manifest. Such a petition must have respectful treatment. A committee made up of men among the most prominent in state affairs was instructed to consider the subject and to report the best form of reply to the petitioners. It was the judgment of these gentlemen that the question "shall a State Prison be built, to be paid for by a tax on the ratable polls and estates," be referred to the freemen of the state and decided by their vote. This report was adopted and a day was fixed for voting upon the question. The result was that 4,433 votes were cast in favor of building and only 502 against building. The will of the taxpayers was not to be mistaken. Their wish thus expressed must be granted. It had come in the way of a demand and at last something would be done. Really the legislature acted only when forced to do so.

At the June session in 1834 a representative committee was raised with instructions to select a site, to make an estimate of the cost, and to secure all information that might be necessary preliminary to entering upon a work whose prosecution was now actually contemplated. Without unnecessary delay this committee reported that Great Point seemed the most eligible site of all that had been suggested. Their view was accepted and it was decided to purchase as much land as might be required, at a cost of not more than five hundred dollars; only two hundred dollars, however, were expended under this order. A committee was now appointed to receive proposals for the erection of the building. Commissioners were chosen and directed to begin operations at once on the Philadelphia plan of separate and solitary confinement. It was found that the committee had not purchased enough land and two acres more were secured. The contract already made was now set aside, serious mistakes being discovered in its estimates. A new agreement was entered into with responsible parties, and a practical builder was engaged to superintend the work. For some



reason the recently appointed commission was now discharged and another differently constituted was appointed. The superintendent was allowed the sum of three dollars per day as compensation for his services, and was required to be at all times upon the grounds when work was going on. Some member of the commission was selected who should be on the grounds at least one day in each week, and who was to be paid a reasonable sum for such service. After nearly three years of preparation, the work began to be prosecuted with considerable vigor, but the opposition was not yet dead. Great dissatisfaction was by some expressed with the place selected for the prison; these would have a location further from the water and on higher ground, and they did not fail to make themselves heard in the general assembly. At their instance a committee was raised to consider the advisability of going on with the work begun, and with power to convert what had already been done into a county jail, or to stop at once all operations then in progress, if they should think proper so to do. The result of this action must have been a bitter disappointment to those whose purpose it was intended to serve; for the decision of the committee was that the enterprise should go forward to its completion at the place chosen and upon the plan thus far pursued. In due time the prison was finished, and on November 16th, 1838, the first convicts, four in number, were committed to it for restraint and punishment.

The plan included a keeper's house forty-eight feet square two stories in height, and facing the water. Adjoining the keeper's house on the north was a small building which connected it with the prison proper. This was ninety-three feet long, forty-eight feet wide, and two stories high. Extending through its entire length was a corridor ten and one-half feet wide, with cells on either side, forty in number, arranged in two tiers, twenty cells in each tier. In the lower tier each cell was eight feet wide, fifteen feet long, and nine feet high; while those in the upper tier were three feet shorter and reached to the roof. A little light, enough to reveal the gloom, was admitted into each cell from the corridor through two small pieces of window glass, each five inches in width by fourteen inches in length, and placed at the top of the solid door. A feeble attempt at ventilation was made through a very narrow opening into the corridor at the bottom of the door; no provision whatever being made for a circulation of air. There were no adequate means of heating the building, whose granite walls, bare and grey, were without lining of any sort; so that when the temperature was low on the outside frost gathered thick on the inside, and could be scraped from the wall in handfuls. When the convict had escaped suffocation in the summer it is difficult to understand why he did not freeze to death in the winter. It will be remembered that in one of the cells described a prisoner would, according to the system adopted, remain day and night, eating,

sleeping, working; never passing its door into the corridor, never seeing the face of man save that of his keeper and his instructor, required to maintain utter silence, except when it might become absolutely necessary to address keeper, instructor, or physician, and then commanded to use as few words as possible; never hearing his name spoken, known even to his keeper by his number only, his personality wholly lost and almost forgotten, dead to the world and to all its conditions, hid in a living tomb; and this without respite or interval or change of any sort, during all the period of his incarceration. It was a prolonged and horrible torture. And this was that separate system of prison management and discipline so much praised and so enthusiastically introduced here and in other states at a date not yet seventy-five years in the past.

We wonder that such a scheme could meet the approval of intelligent and representative men in a civilized and christian community toward the middle of the nineteenth century. But the general assembly and their commissioners were misled by the teachings of unpractical theorists in penology; influenced by whom they accepted without challenge glowing accounts of a success which was said to attend its working in Philadelphia, and they built a structure of huge, rough blocks of granite, clamped together with iron rods, the only conceivable merit of which was that it seemed so nearly "impregnable from within,"<sup>1</sup> and which soon showed itself in every respect unfitted for its purpose, remaining thereafter for thirty-five years or more a monument of shame and disgrace to the state. The cost of these buildings was about \$51,500, or in the neighborhood of \$1,300 per cell.

Before the state prison was finished the general assembly had decided to connect with it and adjoining the keeper's house on the east a new jail for Providence county. This was built and ready for use within a year from the date on which the order was passed for its construction. The cost was not quite eight thousand dollars. It was a much smaller building, more compact than the state prison, and upon a different plan, being sixty-five feet long, twenty-seven feet wide, two stories high, and containing eighteen cells, each cell nine feet long by seven feet wide, with four larger rooms designed for persons who should be committed for debt. These cells and rooms were arranged in a single block in the middle of the building, with corridors between them and the outside walls. Water was supplied to both prison and jail from a tank in the upper part of a small building behind the keeper's house; what was the source of supply and how the water was brought to this tank does not appear. Artificial heat was conveyed by means of hot water pipes running through the corridors and cells; the same method was employed to heat the prison, and in either case it was

<sup>1</sup>Staples's *Annals*, 183.

insufficient for the purpose. In the materials of which it was constructed and in the plan of its construction this jail proved as unfit as the prison for the occupancy of human beings. When it had been used but four years, Judge Staples of the Supreme Court declared that it had already "gained for itself anything but an enviable reputation."

To the subject of management and supervision much thought was devoted. There was an act of the legislature providing for the annual election of seven Inspectors in whose hands should be placed the control and oversight of all officers and prisoners, with power to appoint a warden, his several subordinates, and a prison physician. The salaries of these officials were to be determined by the general assembly. The style and the material of the prison garb was left to the discretion of the Inspectors. These were also to arrange for the employment of the prisoners, and to let out their labor on contract as should seem most likely to yield a profit to the state. At this time few doubted that the state prison would be self-supporting, if it were not even a source of revenue to the state. The inspectors would serve without compensation. The first Board of Inspectors consisted of Messrs. Samuel W. King, William R. Staples, William S. Potter, Christopher Rhodes and Henry S. Mumford; of these Mr. King was made chairman and Mr. Potter clerk. They were broad-minded men, experienced in the management of affairs and well qualified to administer successfully the charge committed to them, if this had been possible.

Thomas Cleveland, M. D., was made Warden. He was a man of education and ability, well informed in all matters pertaining to his profession as a physician, actuated by exalted motives, and an enthusiastic believer in the separate system of prison management. Perhaps it would have been impossible to find a man better adapted to his position, but the position was an impossible one. Isaac Hartshorn, M. D., an experienced and successful practitioner of medicine in the city of Providence was appointed Prison Physician. The Warden of the State Prison was made Keeper of the Providence County Jail also, an arrangement that has continued until the present day.

In the first report, and again in the second report of the Board of Inspectors, this separate system is highly commended, and a very favorable opinion is expressed "of the effect of the discipline and regimen of the State Prison upon the convicts;" any question that a doubter might have raised being answered with a declaration that "experience shows it to be beneficial rather than injurious." The cells are described as "commodious, well ventilated, and cleanly," and the prisoners as "anxious for employment, so anxious that to be idle would be reckoned a hardship." It is said of them that "their docility and contentment are remarkable. They have sufficient food, which is simple and healthful; they are treated with all proper kindness; they are instruct-



ed in the value of good conduct and good principles. Perhaps no condition can be imagined in which they could be placed, all circumstances considered, more advantageously for society and for themselves." Doubtless all this was believed by the inspectors; they were sure that all of it ought to be true; unhappily it was scarcely any of it true. The inspectors were so strongly prejudiced in favor of the system which had been adopted, and so confident of finding in its workings only desirable results, that they were blind to the facts of the case. Perhaps too the new order assumed imaginary excellences because of the strong contrast that appeared between it and the state of affairs in the jail. Still it is not easy to see how men whose one office in the matter was to see the things that were and to report the actual state of affairs, could express themselves as they did in their first two reports. At the same time the prison physician reported that the prisoners "complain of a want of sufficient ventilation." He also describes at length a case of serious illness which he ascribed to the foulness of the atmosphere that the patient was compelled to breath in his cell.

In his second report (1840) the Warden said of the jail that "persons charged and convicted of various crimes have been committed to said jail, comprising all ages, sexes, colors, and conditions, except the moral and the good, comprising sufficient talent and experience, however, to make it a school of the highest order, for qualifying all who may be admitted thereto, to be adepts in every form of vice." He further said of the jail that its walls being "free of access to any one, the inmates are constantly supplied with saws, knives, files, keys, lamps, matches, and the like; and the man who to-day is thoroughly searched, and deprived of everything of the kind, to-morrow finds his cell converted into a well furnished shop." He also mentions as a source of deep degradation "the free and constant communication kept up day and night between males and females therein confined." This evil he declares to be unavoidable under the plan of construction followed in the building of the jail.

In the third report of the Board of Inspectors (1841) a decided change of tone appears. Light had shown into the dark places, revealing that which wrought in them a violent revulsion of feeling. Unqualified disapprobation is now expressed for the things which twelve months since were so highly commended. The inspectors now declare that "the labor in the prison is not a source of profit to the state," that "many of the prisoners are inclined to be idle," that "the cases in which the taking away of labor would be considered a hardship are very rare," that the removal of furniture from the cells and the deprivation of food, the only forms of punishment permitted under the law, were inadequate to secure obedience to the prison rules, that in some cases hunger had been stub-

bornly endured till great weakness had resulted, and recommending that the infliction of corporal punishment be legally authorized; suggesting that "the experiment of solitary confinement has not since the prison was built proved perfectly satisfactory," and that "they fear the effect is to injure strong minds, and to produce imbecility in those that are weak." They declare that it had been impossible using the utmost vigilance to prevent communication between convicts and with friends outside the prison. They also speak of a "well arranged plan of insurrection," which had it not been detected might have been carried into effect. So their third report contradicts the first two in all important particulars; but the Inspectors had now some experience in their office, and being no longer mere theorists, were able to see for themselves what was before unseen. Their enthusiastic endorsement of the solitary system they now admitted to have been premature.

The effect of this report was the appointment of a special committee of the general assembly to examine the prison and jail, with orders to enquire whether there were not abuses calling for legislative action, and to consider whether the expense of supporting these institutions might not be in some way reduced.

Reports presented by the Inspectors in the two years next following were equally unfavorable to the separate system. Six of the thirty-seven convicts in the prison had become hopelessly insane, and several others were mentally unbalanced as the direct result of the conditions of their confinement. Here was ground for alarm. The case was urgent and called for immediate action. As a relief from the strain of solitude and silence, it was ordered that the prisoners be permitted to work together in the corridors; but the insufficiency of this concession was soon manifest. A common workshop was now determined upon, to be fifty-four feet long and ten feet high and forty-two feet wide, without windows, being lighted from the top only. To light a prison workshop by windows through which a convict might look into the prison enclosure and see the sunshine, and perhaps himself be seen by some one living in the world, was more than could be permitted. The cost of this workshop was \$2,397. When this had been in use but a single year the warden reported that the health, general appearance and conduct of the prisoners, arising doubtless from the change from solitary confinement to congregated labor, "has been very apparent, reducing the loss of time occasioned by sickness at least three-fourths."

The separate system was fast breaking down under its own weight. It received a finishing stroke in 1844 when Warden Cleveland reported at considerable length and with great vigor "the injurious and alarming effects of solitary confinement upon those who are subjects of it." Dr. Julius of Berlin, a widely known advocate of the separate system,

had charged its failure in Rhode Island to the "mismanagement of those charged with the duty of carrying it into effect." Against this unfounded charge Mr. Cleveland successfully defended the prison authorities, discussing the whole subject with much ability, showing that the causes of failure were inherent in the system, and making plain that it was impossible for one who had studied and observed its practical workings "to hesitate in condemning the penal system of solitary confinement." After five years of fair trial given it in an institution designed and constructed with special reference to its methods, under the management and direction of those who had honestly advocated and secured its introduction as the best scheme of prison administration at the time before the world, it became necessary to abandon it in the interest of humanity and for the well being of society at large.

The Inspectors now reminded the General Assembly that reduced current expenses should not be the first end sought in the administration of prisons and jails. "These," they said, "were to be maintained as places for the confinement of criminals, where under wholesome restraint proper efforts may be made to give them habits of industry, and to those who are to return to society correct ideas of their duties to their fellow men." For the furtherance of these ends a set of rules was framed, which would in our time seem stringent enough to meet any conceivable case, but which in truth were much milder than had hitherto been in force. It was required of each man that he should wake at sunrise each day the year round, begin work fifteen minutes later, and continue work till a half hour before sunset, one hour and a half being allowed him for his meals and for reading. Previous to the adoption of these rules but an hour had been allowed him, thirty minutes at a time for these purposes. Between September 20th and March 20th, when the hours of daylight were few, work was required to continue till 8 o'clock in the evening; and no lights were allowed in the cells except when work was being done. Food was to be furnished twice a day, of such description and in such quantities as the Inspectors and Warden might prescribe. The bill of fare thus provided might be interesting reading, but the writer has been unable to find a copy. No reason appears why we should fancy it to have been a long and varied one. Nine different acts are named as violations of discipline, for which the man was to be deprived of all food and drink for periods of twenty-four hours or longer. It would seem that nothing more than an adequate measure of starvation could be needed to subdue the rebellious spirit of the most refractory prisoner. Some privileges were accorded by these rules: Convicts in good health might enjoy the luxury of a warm bath as frequently as once in three months; and the friends of a convict, "in case of dangerous sickness, might visit and converse with him, having first secured the permission in writing of at least four Inspectors." Such rules have a cruel sound; but they really were in



the line of prison reform and doubtless some good persons reading them remarked that they were less severe than the deserts of those for whom they were made. The danger of making crime easy by treating too well the law breaker was then very keenly felt. Some still question the safety of regarding him as a human being.

It was during this period in the history of the Rhode Island state prison that Thomas W. Dorr was tried, convicted, and sentenced to life imprisonment for treason, the first and it is to be devoutly hoped the last political offender to be incarcerated within the boundaries of the land of Roger Williams. Rules even more stringent than those just noted were in his case enforced and with unwonted rigor. Extraordinary care was exercised to prevent any communication with his parents and counsel. This singular severity was relaxed only during the last few weeks of his confinement, when it was evident that he would be in a little time released. At the end of a year he was discharged by an act of the legislature granting a complete amnesty to all who had been engaged in "the rebellion," as his movement was termed by its opponents; an act which provided that all such persons then in custody should be at once released, and that no person should ever in the future be prosecuted for treason against the state. During the greater part of his imprisonment Mr. Dorr occupied cell number seventeen, which till the prison was abandoned continued to be an object of curiosity and interest to all visitors to whom it was pointed out. Although he was confined but twelve months the hardships which he experienced in that comparatively short period of time were sufficient to wreck a splendid physical constitution, and after a few years passed in broken health he died prematurely in the home of his childhood at Providence.<sup>1</sup>

The prison had not proved "impregnable from within," as at the first it was thought to be. At different times several convicts had found their way to liberty. In a single year there were three escapes. One by one its many defects became obvious. It was at last so crowded that of necessity two men were placed in one cell, a most vicious arrangement, as every person at all familiar with prison life will testify. The time arrived when on all hands it was seen and admitted that whatever of usefulness there may have been in such a structure at the first, there was now every reason why it should cease to curse men with its death-breeding conditions. A new state prison was an immediate necessity. This was built in 1852, as a wing at the west of the keeper's house. It contained eighty-eight cells, each seven and one-half feet long by four feet wide, and seven feet in height. These were situated in the middle of the building, with corridors on either side between them and the outside walls. The cost was a little more than \$18,000, or about \$200 per cell, being much less than was usually spent on prisons built according to the same general plan.

<sup>1</sup>Report of Inspectors 1876.

Until this time the prisoners had been employed in the manufacture of goods on state account. This plan was now abandoned, and their labor was let out on contract, at the rate of twenty-five cents per day for each man for the first year, thirty cents per day for the second year and thirty-five cents per day for the third year.

A grant of \$200 was voted by the general assembly to found a prison library, and the Warden was authorized to admit visitors to the prison at his discretion, collecting from each a small fee which was to be used for the purchase of additional books. The prisoners were given access to this library, subject only to such regulations and restrictions as were made necessary by the circumstances of the case. A lamp was placed in each cell, and an opportunity afforded for intellectual improvement out of work hours, of which not a few gladly availed themselves.

It was an era of rapid and wise progress. There was an intelligent purpose on the part of controlling minds "to render the Rhode Island state prison not only a place of confinement and needful labor, but especially a school of reformation." Something was now done to make the prison surroundings less repulsive than they had been from the beginning. An unsightly sand hill just outside the wall was transformed by the well directed labor of jail convicts into a smiling garden. The wall itself was soon covered with vines. A variety of fruit trees were planted. The diet of the prisoners was greatly improved in variety and in wholesomeness by the addition of fruits and vegetables thus produced, with little or no additional expense to the state. Important improvements and additions were made to the industrial equipment. A boiler and engine house was erected. A force pump and much-needed drains or sewers were put in place. The wall was extended and the prison enclosure was considerably enlarged. A new wing containing seventy-two cells and a chapel was built at a cost of twenty-five thousand dollars. The total expense for betterments amounted in a brief period to nearly \$50,000—convict labor having been employed wherever it could be made available, and the expense thereby greatly reduced.

When the Board of Inspectors was created, power had been given it to "license any proper person who would serve without compensation to visit the convicts as a moral and religious instructor." Such persons were expected to do their work in such a way as would not conflict with any rule that might be necessary in administering the separate system then in force. During the next five years eleven persons were found willing to undertake this unpromising and well nigh hopeless service. How long any one of them continued in it does not appear. The results were as a matter of course very unsatisfactory to all concerned, and were many times so reported. What could one do morally and religiously for a man between whom and himself was a solid door

pierced by a small aperture, whom he was not permitted to see and who was not permitted to see him, of whose personality and history he could know nothing, except upon the statement of those who by reason of official relations were not in the nature of the case least of all likely to be unprejudiced witnesses; whose name he had not heard and who was known to him only by the number of the cell which he occupied; who, however depraved he might be when he entered the prison, was quite sure to be yet further embittered and brutalized by the treatment which he had since received in the name of justice? Was ever any good work made more nearly impossible by the conditions imposed than this of a religious instructor in the Rhode Island state prison while the separate system was in operation?

Of all who were licensed to this work, only the Rev. William Douglas persevered, and in spite of all disheartening conditions, found evidence that his self-sacrificing efforts were not wholly fruitless. He continued to fill the office uninterruptedly till after the prison had been removed to Cranston, laying down his work only when the burden of great age was heavy upon him, and after more than forty years of service; the first eighteen of which were without compensation save that of an approving conscience.

When the rigidity of the separate system had been relaxed a little, provision was made for occasional worship and preaching in the corridor of the prison, to which it was expected that prisoners would listen each with his ear pressed against the aperture in his cell door. Somewhat later, to facilitate hearing, it was deemed safe to go so far as to open the cell doors a little way, great care being taken that no opportunity be afforded one prisoner to see another prisoner or to communicate with another prisoner, or for the preacher to see his hearers, or for his hearers to see their preacher. But preaching in a narrow passage between blank stone walls by an invisible preacher to an invisible audience must have been a spiritless performance, and not at all likely to awaken devotional feeling or quicken the moral sense. In time there was a further relaxation of the rules, and at last the prisoners were permitted to gather as a congregation on Sunday in a workshop then recently erected. Ten or twelve years later a chapel was built and in a plain way furnished. The Sunday School which had been for some years in existence was now given a more thorough organization. Singing was introduced, and this soon became an important feature in the service. The library was brought into more general use and its influence for good correspondingly increased. The new chapel was found too small for the accommodation of more than two-thirds of the prisoners at any one time, and the upper story of the workshop was fitted up for chapel uses; ample room was now afforded for all at each service. The last vestige of the old separate system was removed and the personality of each convict frankly recognized when



the name of the man was substituted for the number by which alone he till now had been known.

In the year 1867 General Nelson Viall was made Warden of the State Prison and Keeper of the Providence County Jail. At the date of this writing, after nearly thirty-five years of service, he continues in the discharge of his office with the same vigor, ability and conscientious faithfulness, that have from the first characterized his administration.

The work of reform was now prosecuted with renewed energy. The parti-colored uniform of the prisoners was discarded for a serviceable and decent suit not calculated to degrade a man in his own esteem or in the esteem of others. The system of commutation of imprisonment for good conduct still in use was soon inaugurated, at once demonstrating its worth as an aid to discipline and an encouragement to habits of self-control in those whose great need was to escape the tyranny of an unreasoning impulse. An hour or two of comparative freedom was allowed in the prison yard or in the prison chapel on holidays, when the men were permitted to mingle together to converse among themselves and to engage in a variety of recreations, subject only to such limitations as the exigencies of the case made imperative. Lectures upon topics of current interest were delivered in the chapel by leading citizens of Providence and of the state at large. An evening school was established for the benefit of illiterate convicts who might wish to become acquainted with the primary elements of an English education. This school achieved a degree of usefulness greater than its most sanguine friends had anticipated. In 1876 the prisoners were for the first time permitted to eat their Christmas dinner together from tables spread in the old chapel, instead of taking it in tin plates to their cells, to be eaten there in solitude and silence. Many looked upon this as a hazardous experiment, but it was fully justified in the outcome.

In the meantime the subject of a new prison to be constructed upon a new plan and in a new locality, received thoughtful consideration from some of the broadest and best informed minds in the state. Public sentiment at last demanded the destruction of that which at the beginning was a mistake, which it had always been impossible to adapt to an efficient and humane scheme of prison administration, and which had long since become a scandal and a reproach. The general assembly appointed a commission with instructions to select a site which should be approved by the State Board of Charities and Corrections, and to prepare plans for a prison which should be acceptable to the Board of Prison Inspectors. After much consideration a site was chosen on the State Farm, near the Pontiac road, seven miles from Providence, in the town of Cranston. Plans were adopted embodying the most improved features of prison architecture. A building commission was created, and work began without delay.

This commission, consisting of Messrs. Edwin M. Snow, William B. Lawton, William D. Brayton, and George I. Chace, was both competent and efficient. Foundations were laid in the autumn of 1874, and the building was pushed forward as rapidly as possible. The material used was split boulders, such as abound in the fields of the State Farm, and which were to be had for the gathering; the trimmings were of hewn granite. The prison proper was built facing the east. It is four hundred and fifty feet long, sixty feet wide, and forty feet to the eaves, with a dome in the center one hundred and ten feet in height. In this dome above the guard room, which is over the hall office or reception room, and sixty feet from the ground, is the chapel. In the prison there is no stronger point than the chapel. The cell rooms are in the wings of the building, at the right and left of the dome. The cells are arranged in four blocks placed in the middle of the cell room, three tiers in each block, in all two hundred and fifty cells. These are of different dimensions, the smallest being eight feet long by five feet wide, the next larger eight feet long by six and a half feet wide, and the largest eight feet square, the two larger sizes having each a window in addition to the open grated door. All the cells have either an east or a west frontage, and the arrangement is such that the unobstructed sunlight may fall into each cell on every day of the year. The system of ventilation is all that can be desired. The atmosphere enters the building beneath each heat radiator, while each cell is provided with an independent five-inch flue rising to the roof, insuring at all times a perfect circulation. Cells which face the east are separated in the rear from those which face the west, in the same block and the same tier, by a passage six feet wide; so that two sides of each cell are always accessible to the guard. They are of brick, laid in cement and are floored with concrete. Each cell is furnished with a chair, a table, an iron bedstead and a plenty of bedding. No provision is made for female convicts, and no female convicts have ever been confined in this prison.

The prison yard is spacious—six hundred feet long and four hundred feet wide—and is surrounded by a wall twenty feet high. Within this enclosure are the workshops, boiler-house, kitchen, messroom, hospital, etc.

A large double dwelling-house, outside the wall, but connected by a corridor with the guard room of the prison proper, constructed of the same materials and harmonious in style, is provided for the Warden and Deputy Warden with their respective families.

The whole was completed in the autumn of 1878, and on the twenty-sixth of November was transferred by the Prison Commission to the Board of State Charities and Correction. Later in the same month the inmates of the old prison in Providence were removed to their new quarters. A large number of convicts of every grade and dye were to

be conveyed eight or more miles in the open, and any mistake or slight inattention might be attended with serious results; but such were the skill and the care exercised by Warden Viall and his officers that the affair was accomplished without difficulty or accident of any sort.

A new era was entered upon. Under greatly improved conditions the health and the conduct of the prisoners were at once greatly improved. Discipline has at the same time been strict and wisely humane. It has not been forgotten that even a convicted criminal is still a man, entitled to be treated as a man, and having rights which other men ought to respect. His moral and intellectual well-being have been kept in view. Punishments have been in the form of deprivations, and not of a character to degrade the offender in his own eyes or in the esteem of his fellows. Corporal punishment of every sort has been unknown. Many concessions have been made to men whose good conduct entitled them to special consideration. The best things have been always for the best behaved men. A copy of the following code of rules is framed and hung on the wall of each cell.

“RULES AND REGULATIONS FOR PRISONERS.

1. When the corridor bells first ring in the morning, each prisoner shall rise, dress, make up his bed, put his cell in order, and be ready to leave the cell at the sound of the signal bell. Upon returning to his cell, he is required to close the door, and stand at it until counted.

2. No prisoner shall have in his cell any pen, ink, pencil, or writing material, or tools of any kind, without the permission of the warden.

3. Prisoners shall not write or draw upon, or in any way deface their cells. They shall keep their persons, cells and everything pertaining thereto perfectly neat and clean. They shall not make over, alter, or destroy their clothing. Before leaving their cells at any time they shall first put them in good order.

4. Every prisoner is forbidden to read aloud, talk, sing, or make any unnecessary noise whatever at any time, either in his cell or elsewhere. At half-past eight o'clock in the evening, each and every prisoner shall go to bed and shall not get up therefrom until the ringing of the morning bell, unless compelled to do so by necessity. They shall not put food, clothing, or reading matter in the slop bucket.

5. Prisoners will approach the officers in a respectful manner, and all communications between them and the officers must be as brief as possible.

6. They shall not converse or communicate in any way with one another, nor shall they without the permission of the Warden, upon any pretense whatsoever, speak to or communicate with any person not connected with the institution. In the Sunday School, however, they may converse with their teachers upon religious subjects only; and on one Sunday in each month they may speak in free religious



conference. Those whose behavior is unexceptionable, may, by permission of the Warden, talk with one another at table in the mess room.

7. They shall not leave their work or place where they may be stationed, without permission of the officer having them in charge, nor shall they gaze at visitors, officers, or other persons. Their attention shall be given wholly to their work.

8. They shall work diligently and in silence on week days; they shall pay respectful attention whenever religious services are held, and when entertainments are given for their instruction or amusement; and they shall not deface or in any way injure books or papers which may be given to them to read.

9. The clergy of the Protestant churches and of the Roman Catholic church, have the privilege of imparting religious instruction and of administering their rites and sacraments on Sundays, and the attendance of the inmates at the services to be in no case compulsory.

10. Inmates of the jail may be visited by their relatives and friends once in four weeks, and inmates of the prison once in three months. Visits must be made by the relatives and friends of any one prisoner at the same time. Under special circumstances visits may be made oftener by permission of the Warden. The law relative to the state prison contains this clause, "No convict shall receive anything but the prison allowance, unless by order of the physician."

11. These rules do not apply to persons imprisoned for debt, or awaiting trial, or held as witnesses. The conduct of such persons, however, must be quiet and orderly; they must do nothing to interfere with the discipline of the institution, and must keep their persons and cells always clean and neat.

12. The behavior of every person must always be orderly, quiet, and in strict conformity with the rules of the institution.

13. Every violation of the foregoing rules, and every act detrimental to the maintenance of good order and discipline will be considered a reason for punishment.

14. Prisoners who choose to labor, although not required by law to do so, must when at work, obey the foregoing rules.

Public Statutes, Chapter 254.—Sec. 28. The Warden of the State Prison shall keep a record of the conduct of each convict, and for each month that a convict, not under sentence to imprisonment for life, appears to have observed all the rules and requirements of the prison and not to have been subjected to punishment, there shall with the consent of the governor, upon recommendation to him of a majority of the Board, be deducted from the term or terms of sentence of such convict the same number of days that there are years in the said term of his sentence. Provided, that when the sentence is for a longer term than five years, only five days shall be deducted for one month's good behavior; and provided, further, that for every day a convict shall be shut up or otherwise punished for bad conduct, there shall be deducted one day from the time he shall have gained for good conduct."

A record of the conduct of each inmate is made in the office of the Warden at the close of each day, and the men are graded into five classes, viz.: Excellent, good, tolerably good, unsatisfactory, and bad.

Located on a farm of seventy-five acres of good, tillable land, which can be worked by short term jail prisoners, only such crops being cultivated as can be used in the prison, it becomes easy to provide a bill of fare far more varied and extended than would be possible under different conditions. A specimen bill of fare extending over one week is as follows:

“Sunday—Breakfast: Pork and beans, white bread, brown bread, and coffee. Dinner: Mackerel, potatoes, pickled beets, rice and gravy, and coffee.

Monday: Breakfast: Boiled codfish, white bread, brown bread, and coffee. Dinner: Corned beef and vegetables, white bread, and brown bread. Supper: Bread and tea, or mush and molasses.

Tuesday—Breakfast: Cold corned beef, potatoes, bread and coffee, Dinner: Beef soup with vegetables, white bread and brown bread. Supper: Bread and tea, or mush and molasses.

Wednesday—Breakfast: Beef stew, bread and coffee. Dinner: Corned beef and vegetables, white bread and brown bread. Supper: Bread and tea, or mush and molasses.

Thursday—Breakfast: Meat hash, bread and coffee. Dinner: Pea soup with vegetables, white bread and brown bread. Supper: Bread and tea, or mush and molasses.

Friday—Breakfast: Stewed beans, white bread, brown bread, and coffee. Dinner: Fish hash, with vegetables, white bread and brown bread. Supper: Bread and tea, or mush and molasses.

Saturday—Breakfast: Cold corned beef, white bread, brown bread, coffee. Dinner: Beef soup, vegetables, white bread and brown bread. Supper: Bread and tea, or mush and molasses.”

Vegetables include potatoes, turnips, carrots, parsnips, beets, cabbage, green corn, squash, onions, cucumbers, tomatoes, and whatever else is commonly produced on a New England vegetable farm. Frequent changes are made in the bill of fare, but always there is an abundance of good and wholesome food. Breakfast and dinner are eaten in the mess room, when the men are permitted to converse freely among themselves; supper is eaten in the cells. Special bills of fare are provided on Christmas, Fourth of July, and other holidays.

In its location, its buildings and its administration, the Rhode Island state prison is a model.

In the year 1877 “the custody and charge of the state prison and Providence county jail, with all the property appertaining thereto” was transferred to the Board of State Charities and Corrections. Immediately thereafter the Board of Prison Inspectors went out of existence. It will not be amiss at this point to speak particularly of the

retiring board. The office of prison inspector never was one to be sought by the mere politician. It carried with it not a dollar of pecuniary reward. It did not lift the incumbent into a conspicuous place. It presented no temptation to cupidity or ambition. It could not be used as a reward for partisan service rendered. It was always free from political influences. At the same time it called for qualifications of a high order in the man who should assume its duties. For the wise and faithful discharge of these, there must be a wide acquaintance with men and affairs, a sincere and conscientious regard for the interests of the state, never failing tact, and a strong desire to promote the well being and improvement of criminal and unfortunate men. There must in any case be more than a warm and sympathetic heart; with this must be joined a judicial and well-balanced mind. The best thought of the highest order of intellect is challenged by the philosophy of crime and the problems connected with the proper treatment of criminals. The composition of the Board of Prison Inspectors seems always to have been regarded by the appointing power as a matter of importance, and appointments were made with a view to the profit of the state and the people. The list of those who filled this office during a period of thirty-eight years includes not a few who were eminent in the different professions and callings—clergymen, lawyers, physicians, manufacturers, and merchants. One was Bishop of the Protestant Episcopal Church in the Diocese of Rhode Island; two filled the office of President of Brown University; two were Judges of the Supreme Court; two were Governors; three were Mayors of the city of Providence; and one represented the state in the National Congress. With few exceptions they were otherwise active participants in the affairs of the chief city and of the state. The office of prison inspector was an honorable office, laborious and involving grave responsibilities; and it was uniformly filled by men who served with credit to themselves, though often with small praise from their constituents.<sup>1</sup>

It is not an exaggeration to say that no single cause exerted so great an influence in opposition to the early reformatory efforts of our prison authorities as the county jails of the state. No means were provided and no effort was made to reform or otherwise benefit jail convicts. In the administration of the jail, any attempt at classification of the inmates was made impossible by the plan upon which all jails were then constructed. In only one of these was labor required. In all others, criminals of every grade and of all ages were left to brood together over the wrongs, real or fancied, which had been inflicted upon them, and to plan new villainies to be executed upon

<sup>1</sup>The writer here acknowledges his very large indebtedness to the Reports of this body in the preparation of this section of this work relating to the Old State Prison, and specially to its last Report, the work of Augustus Woodbury, D.D., for many years Chairman of the Board.



society when they should be released from confinement. No discrimination was made, and communication was free between the gray-haired veteran in crime and the youth who had been committed for the first time, and for what was, perhaps, at its worst, but a boyish indiscretion. The jail was a school of crime to which persons suspected of having violated the law were sent to await trial, unless friends could be found willing to become surety for their good behaviour and for their appearance in court when they should be wanted; and, when discharged, whether because of failure on the part of the prosecution to make cases against them, or at the expiration of sentence imposed on their conviction, they went forth well instructed in the worst sorts of knowledge and in the surest method of evading punishment for future offenses. He was a dull scholar who could not, in a term of four weeks, learn more of iniquitous ways than might be learned elsewhere in a full year.

The majority of those sent to the Providence county jail were under thirty years of age, and a very large part of these were under twenty years of age. Of 2,312 persons, male and female, committed in the five years ending October 1st, 1852, not less than 503 had not yet reached the age of twenty years, while 13 were less than 10 years of age. All these were thrown into a nursery of crime and educated at the expense of the state treasury to fill places in the state prison. Having been confined on brief sentences in the county jail for trifling breaches of peace or for petty thefts, they went out into society strongly impressed by their older associates that they had been the victims of a wicked injustice, and fully determined to avenge themselves by the perpetration of other unlawful deeds. A second conviction followed and, perhaps, a third; and at the expiration of each sentence they were worse than they had been at its beginning.

Then they went to the state's prison, and then the state first bethought itself that something should be done for their reformation. Then the heart of the Christian and of the philanthropist began to yearn over them. And then it was with most of them too late. It would ill become us to speak lightly of any movement looking to the good of any class of convicts, but certainly prevention is better than attempts to cure a disease neglected till it has already become mortal. The twig is easily held in place; the sapling is easily made straight; but to straighten the trunk of a white oak tree that has been growing in a crooked way for half a century would be an impossible task. When a man has reached the age of twenty-five or more years, his habit of life and conduct is pretty firmly established, and he is likely to travel to its end the road over which he has come thus far. It would be more reasonable to expend a larger effort upon the boy; a fact which at last began to be realized in a practical way.

At about the same time, thoughtful and broad-spirited men per-

ceived that many offenders against the criminal laws were, in a large measure, ignorant of the requirement of these laws and of their own duties as members of organized society. It was also noticed that the ignorance of these was not usually the result of choice or of negligence on their own part, but was rather the almost unavoidable consequence of their environment in childhood and in youth. The conditions in which they had been reared were more responsible than they for their lack of knowledge and their lack of purpose to do only right things. They were untaught and without moral culture. The restraints of home had been, with them, few and slight. Of religious training they had none. Their vicious parents had praised them when they developed some adroitness in small pilferings, and when, in a fight, they had by fair or by foul blows got the best of their youthful associates. It began to be suspected that for the criminal acts of such boys and girls, even when grown to be men and women, a society which permitted them to grow up neglected and unshielded might be itself, to a considerable degree, responsible. Ought not society to educate before it punishes? If there were more of education and this of a better sort, would not less of punishment suffice? Had the state and the towns in the state done all they should do? There were good free schools and there were competent teachers, but the young people in question had little to do with either. And, even if they sometimes went to school, the best that the teachers could do was insufficient to overcome the vicious home conditions to which they must return at the close of each day. Again, the education offered by the free school was not all that the case required. A knowledge of writing, reading, arithmetic, geography and grammar only, must be fatally deficient. Moral and religious training, more systematic and constant than could be given by the free school was essential, and so, too, was a habit of industry. A man whose head is improved while his heart is neglected, whose understanding is enlightened and his passions left free of restraint, may easily be a moral monster and guilty of every crime named in the code. Intellectual culture, with an absence of respect for moral sanction, will make a rogue worse than can be tolerated in civilized society.

It began to be seen that there were and must be children not a few whose hope of becoming law-abiding and useful citizens was very small. No opportunity was given them by the conditions in which they lived to become such. And there were those who asked whether the wrong done by these should be punished as that of others who had sinned against brighter light; whether an enlightened humanity could permit these, for slight offenses, to be placed in the county jail, where they, in a little time, would almost certainly be qualified for nothing better than a cell in the state prison. At the same time, it was clear to all that they should not be allowed to go freely from slight misde-

meanor to capital crime till they became the pest and the scourge of the community.

A school of reform for juvenile offenders was suggested. It should be designed for youths of both sexes who might escape the control of their parents or become amenable to the criminal law and liable to imprisonment in the county jail or in the state prison. They should be separated from their old life with all the vicious associations of the same, with no frequent returning at stated times to homes whose character was well fitted to efface from their minds the best instruction of their teachers, and to parents whose examples were all on the side of wrong-doing. Labor, study and recreation should be judiciously mingled under the supervision and in the constant presence of competent officers and instructors.

In May, 1847, the Providence Association of Mechanics and Manufacturers petitioned the city council of Providence for the establishment of such an institution. This association deserves more than a passing mention. It had at different times shown itself to be animated by an enlightened and generous spirit with respect to the well-being and improvement of the rising generation. The public school act passed by the general assembly in the year 1800 originated in this body; and when this act was repealed three years later by its influence a system of public schools was established and sustained in the city of Providence. The memorial asking for a Reform School was favorably received by the city government, and at once a movement was made toward the desired result. Steps were first taken to secure needed information as to the system to be adopted and the regulations which should be necessary to make this successful for the end sought. The General Assembly of 1850 passed an act authorizing the city of Providence to establish a Reform School for the "confinement, instruction and reformation of juvenile offenders and of young persons of idle, vicious or vagrant habits, to be under the direction of seven trustees of whom the Mayor is always one and the remaining six are chosen annually by the City Council." The general control of the school and the appointment of all necessary officers were vested in this board of trustees. By this act and by amendments subsequently made, the trustees were empowered to receive into the school all young people less than eighteen years of age who should be convicted in any court or before any magistrate in the state of criminal acts, and also of such as should in Providence or any town of the state be found to be vagrant or disorderly persons; and in addition to these they might receive any child more than five years of age at the request of its parent or guardian. Such young persons as were admitted to the school should remain subject to its discipline and instruction until they were reformed and discharged, or bound out by the trustees, or found incorrigible; in the latter case, they might be transferred to the county



jail or state prison, according to the alternative of the sentence imposed by the magistrate in whose court the case was heard. No person could be sentenced to the school for a period of less than two years or for a term extending beyond his arrival at majority. His discharge at the expiration of his sentence or on being reformed, or as having reached the age of twenty-one years, released him from all disability under the sentence that had been imposed upon him. Inmates of the school might be bound out as servants or as apprentices to persons who would instruct them in morality and in such branches of useful knowledge as were adapted to their age and capacity. The cost of maintaining those sent to the school for crimes of any



TOCHWOTTON HOUSE, PROVIDENCE.

Formerly standing on the land now occupied by Tochwotton Park. It was a celebrated hotel and was subsequently used as the State Reform School.

sort was to be paid out of the general treasury, and all other expenses, including the cost of grounds, buildings, salaries, etc., were to be paid by the city of Providence.

The Tochwotton House, situated on a hill of the same name in the southeast part of the city and overlooking the harbor, was purchased and fitted up; and in the month of October, 1850, the Providence Reform School was formally declared established and opened for the work for which it was designed. From November 1st, 1850, to October 31st, 1851, forty-eight boys and three girls were received, of whom six were discharged, leaving forty-five in all at the close of the year. During the following year sixty-five were received, and thirty-

one discharged, leaving in the school seventy-nine with which to begin a third year. In this year, ninety-one were received, fifty-five were discharged, and three escaped, ninety boys and eleven girls, one hundred and one in all remaining at its close. The time of the inmates was divided and spent as follows: Seven and one-half hours in labor, five hours in school, two and one-half hours at meals and recreation, one hour in religious exercises and eight hours in sleep.

Such an order of daily life could not fail to benefit those who must otherwise grow up without care or training to lead in maturity a vicious and criminal life, becoming a menace and a disgrace to the society which produced them. They were separated from corrupting influences. Industry was substituted for idleness, regular habits for intemperance and folly, religious and moral training for profanity, intelligence for ignorance, and protection for exposure. The deficiencies of their earlier years were in a measure supplied, and as was said by the association which first memorialized the city council in the matter, they had given them "the benefit of good example and wholesome instruction, the means of improvement in virtue and knowledge, and the opportunity of becoming intelligent, moral and useful members of society."

The Providence Reform School had been established in the face of strong opposition on the part of some who urged that such an institution was not properly within the functions of a municipal government. The responsibilities of the trustees were new to them, and the duties of officers and instructors were untried by them. There was little of experience elsewhere to guide them. On all hands such schools were regarded as somewhat doubtful experiments. All knowledge on the subject was merely theoretical. The building in which the school was located had been designed for a hotel, and having been remodeled in haste was poorly adapted to its new use. The grounds were very limited in extent. Certainly the estate would not have been selected, but for the fact that it could be purchased at a low price, and the additional fact that it could be quickly made ready for occupancy. The institution labored under many disadvantages. It was the object of much unfriendly criticism. What advance movement ever escaped this? And at the end of three years it was an achieved success. The result had been greater and better than the anticipations of its most sanguine friends.

Great improvement has since been made in the management of such schools and in the methods of instruction and discipline employed. That was a day of beginnings, of untried experiments, and much that now seems very plain and almost self-evident remained to be learned in long years of observation and of effort. It was thought to be of the first importance that such a school should be made to pay its own way; and the superintendent was expected to be always mindful of this necessity. He could not be regarded as a success in

his position unless he should be able to present to the Board of Trustees a good financial return at the end of each year.

Much was done by the boys and girls at shoe making, the manufacture of toys, the cane seating of chairs, and laundry work; preference being given at all times to those branches of industry which were likely to yield most of profit to the institution. In some years as much as \$5,000, and even a larger amount was realized. It would seem as if the real interests of the school must have suffered, and the design for which it was established have been in a measure thwarted by reason of a too great regard for pecuniary results. This appears in the order of the day as it was at one time arranged. The day was a long and busy one, and the most unsuitable of its hours devoted to school room exercises. These began at five o'clock in the morning and continued until seven o'clock, the pupils having fasted since five o'clock the day before. How much profitable study was done by a company of hungry boys and girls just called from their beds an hour or two before sunrise may be a question. Between seven o'clock and eight o'clock was an hour for breakfast and recreation. At eight o'clock all repaired to the several workshops where they were busy till twelve o'clock. Then came an hour for dinner and recreation. Work in the shops was resumed at one o'clock and continued until four o'clock. An hour was now given to supper and recreation. The next two hours, from five to seven o'clock, were passed in the schoolrooms. Again how much real study was possible to be done by growing young people, of a not very studious habit, at the close of a day which began at half-past four in the morning, and whose hours had been so filled with wearisome employ, may be a question. The best hours of the day for study had been given to earning a support for the school, it being thought that this last must have the precedence. From the close of evening school hours till eight o'clock was an hour for recreation. At eight o'clock all retired for the night.

At the close of its fifth year the superintendent reported that of all who had been honorably discharged from the school, whether at the expiration of their sentences or that they might live in homes which had been secured for them, one-fourth were fully meeting his highest expectations, one-fourth had certainly been much benefited by their stay in the school and were doing tolerably well, while the remaining one-half were none of them doing more than indifferently well. This seems a very conservative statement. It may not be an understatement of the results of reform school methods in the years and under the conditions considered; but he was far more modest in his claims for good done than were some of his successors in office. We should remember that up to this time it had been the custom to send to the school a large number of those who by reason of advanced age and a wide experience in evil ways



could not be expected to derive much benefit from its methods, while many who were younger were permitted to remain only a short period—too brief for any lasting good to be done them. There was a feeling abroad that the school was a sort of jail or place for the punishment of youthful criminals, the length of whose sentences should be determined by the grade of their offenses, and not by the needs of the offenders; a feeling which unfortunately is not yet wholly of the past. Most of good appeared in those who entered at an early age, and who remained for a considerable period under the control of the school. Subsequent experience confirmed this view. It came more and more to be recognized and to be acted upon. And as years passed the number of those who were permanently benefited and saved from lives of vice and crime was greatly increased.

Graduates of the Providence Reform School were numerous in the several regiments of Rhode Island Volunteers during the war for the preservation of the Union. At the close of the year 1862, the then superintendent reported that no less than two hundred and fifty young men, one-fourth of all who had been up to that date inmates of the school, had enlisted for the defense of their country; and a year later he reported that the number of these had been increased to three hundred.

From first to last the Providence Reform School was a success. It achieved the end for which it was designed and established, and at once took high rank among the many institutions of its kind that were at about the same time and soon after founded in other cities and states throughout the country. Its record will ever remain an honorable chapter in the history of the city of Providence and the state of Rhode Island.

The school and its management did not, however, as has been already noted, escape criticism, more or less intelligent, during any year of its existence. There were those who would not have had it established, and who were never prepared to see any good thing come of it. While others being but poorly informed as to the facts and as to the needs of such a school, were prompt to find fault with the thing which they did not trouble themselves to understand; and in addition to these classes were those who discovered that mistakes really were being made and that methods really might be improved, and who spoke of all they saw from a strong desire that what they recognized to be a valuable work might be facilitated and enlarged in its influence for good. Unquestionably there existed sufficient ground of wise criticism. It was a new order of enterprise in which the trustees and other officials were engaged, and it was but natural that mistakes should be made. There was a failure at some points to advance with the times. In some respects the school was not keeping step with simi-

lar schools located in other states. Abuses had crept in which called loud for suppression and removal. That so much was true had been for some time realized by not a few warm friends of the school. Complaints were made to the board of trustees, and something in the way of investigation was done by these; but nothing came of it.

At last a formal bill of charges was presented to the City Council embracing eight counts, and making very serious accusations against the officers in charge. It was claimed that vices against chastity and good morals prevailed in the school, being taught and practiced by teachers and pupils, and that the latter would leave the school in many cases more corrupt than when they entered; that teachers used immodest and disgusting language in the presence of children, addressed females in an immodest manner, calling them vile names and twitting them with their past conduct; that cruel and inhuman punishments, such as knocking down with the fist, kicking, and whipping naked boys and girls, were inflicted for slight offenses; that young women were knocked down, stripped to the waist and lashed, pulled out of bed in their night dresses and in this condition whipped, and dragged about the room by the hair, by male officers; that the names of children were changed so as to make it difficult for their friends to find and identify them; that they were apprenticed at long distances from their homes without regard to the wishes and feelings of their parents; that the goods of the school had been used dishonestly, and fraudulent charges made for the board of inmates; that proselytism and religious intolerance were practiced. These charges were certainly grave enough to call for a most searching inquiry into the facts.

The City Council promptly resolved that a joint committee of investigation should be appointed, to consist of two Aldermen and five Councilmen. This resolution was as promptly vetoed by the Mayor, with a suggestion that the City Council itself investigate or that it request the Board of Aldermen to do so. In response such a request was made. An exhaustive investigation followed, conducted on either side by eminent legal talent; and prolonged through twenty or more sessions. At its close a diversity of sentiment existed. The gravest charges which had been made were not clearly proved, except perhaps that of cruel and improper punishment and that of religious intolerance. Four reports were presented, neither of which was signed by a majority of the Aldermen; or by the Mayor, who was chairman of the Board of Trustees, or by the Alderman who was a member of that Board, though the former of these gentlemen had presided and the latter had assisted at the investigation, being themselves at the same time among the defendants in the case. It can hardly be supposed that the result was uninfluenced by them. One report to which there were four signers declared the charges not sustained and exonerated the school officials from all blame; each of the other reports, signed by a

single individual, noted what were believed to be serious faults, and one censured the administration much more severely than did any other.

Although no radical change in officials followed this investigation, its effect upon the school certainly was beneficial. Changes for the better were at once made in the methods employed. Milder forms of punishment were substituted for those formerly in use; and better work was done than ever before in the history of the school. An improved order obtained while the institution continued to exist as the Providence Reform School.

In 1879 when the school had become in all but name a state institution, and the trustees had decided largely in view of financial considerations that it would be impossible to continue longer upon the present basis, an offer was made to transfer it to the state under whose control it properly should be. This proposition was accepted, and in the following April an act was passed by the general assembly changing the name to the State Reform School, vesting its management in the Board of State Charities and Corrections, authorizing this board to lease temporarily the Tockwotton House property, directing that the school be removed at an early day to the town of Cranston, ordering the construction of all necessary buildings and appurtenances, providing that such buildings be erected upon what is known as the cottage plan, and appropriating the sum of \$25,000 to meet the cost of the same. The real estate of the Providence Reform School was leased at a rental of \$5,000 per annum, the furniture and other movable property being purchased for the sum of \$7,500.

The official transfer of the school was made on the first day of July, 1880. The superintendent and other officers were immediately re-engaged by the Board of State Charities and Corrections, and things moved on without a break.

It had been decided that the boys and girls should be separated and each placed in a school by themselves. Attention was turned first to finding a suitable location for the girls' school. A site containing 18 acres was selected at the corner of New London turnpike and the road leading to the village of Oaklawn, to which was added a strip of land about nine acres in extent that opened up an unobstructed view of the western hills across the valley. The distance from this point to the boys' school measured in a straight line would be a full mile, to the State Prison three-quarters of a mile, and to the House of Correction a half mile, while higher ground and a thick belt of woods concealed each of these institutions from view. Separation from all other institutions would be as complete as if they were in different towns.

It was decided to erect a single building, eighty-six feet long, forty-eight feet wide, and from the ground to the roof fifty-two feet in height; being the equivalent of three stories and a basement. As con-



structed there is in the basement a boiler-room, store-rooms, laundry, bath-room, and a large play-room, with four windows four feet above ground, for stormy weather. On the first floor is a sewing-room, girls' dining-room, kitchen, teachers' dining-room, reception-room, and matron's room, with store-rooms and closets. On the second floor is the school room, with two recitation rooms, a room which in case of need can be used for a hospital, two teachers' rooms, and eight rooms each designed to be the sleeping-room of a single girl, with bath-room, wash-room, closets, etc. On the third floor are fifteen single rooms and a dormitory which will accommodate twenty-four girls, each with a separate bed. Provision is thus made for between fifty and sixty girls.

The material used in this building is stone taken from the neighboring fields, with granite trimmings. The whole effect is tasteful and pleasing. It is heated by steam, and supplied with water from a well one hundred and sixty feet in depth. The total cost of building, furniture and improvements previous to January first, 1883, was about \$25,000.

The boys' school was located at the corner of the New London turn-pike and the Sockanosset cross road, being the extreme northern point of land owned by the state, and isolated from all other institutions as completely as is the site of the girls' school described above. It was decided to begin with the construction of a superintendent's residence, two cottages or homes for the boys large enough to accommodate about sixty each, a boiler house, a stable, and a large central building to contain the chapel, school rooms and workshops; the material and the style to be in a general way like those of the girls' school. These were finished essentially as planned. Changes, however, were made at later dates, and other buildings were added, until since 1895 these have numbered not less than twelve separate and distinct structures. The growth of the school was rapid, and in 1884 it became necessary to build a third home for the boys, differing somewhat in plan from the older ones, and affording ampler accommodations. A fourth house was erected in 1887, and a fifth was added in 1895. A chapel and hospital were built in 1891 at a cost of about \$20,000. Three years later a structure of brick and wood was erected, much of the work being done by the boys of the school; the first story to be used for workshops and the second story for a drill room. All buildings here as at the girls school were without bars at the windows or fastenings on the doors other than such as are usually found in an ordinary dwelling, and the grounds were not enclosed by either high walls or fences.

On the fourth of March, 1881, a superintendent, Mr. Frank M. Howe, who had had much experience in the conduct of reform schools organized upon the cottage and open plan, was appointed; he entered upon the duties of his office on the first day of June next following. At once he began to pre-

pare the boys and girls in his charge for the new order and for their new homes. Gradually, one by one, unnecessary restraints were removed. The doors of sleeping rooms which had until now been carefully locked at night, were thrown wide open or wholly removed. On Sundays the boys were taken in turn to one and another of the city churches. Roger Williams' Park was visited at different times; and after a sail down the river a clam dinner was enjoyed by all the boys together at Field's Point. And to the surprise of the skeptical no attempt was made to escape by any individual and no case of misconduct occurred on these occasions.

On the thirteenth of July, 1882, the girls, twenty in number, were removed by Mr. Howe without mishap of any sort to the new building at Oaklawn, and placed in the care of Mrs. R. S. Butterworth, who had been appointed in June superintendent of what was thereafter to be known as the Oaklawn School for Girls. The record of this school, though uneventful, has been one of unbroken success.

On the twenty-eighth day of December, 1882, following the boys, one hundred and thirty-eight in number, were removed to the new Sockanosset school buildings, going by rail to the Sockanosset station on the Pawtuxet Valley Railroad, and from this point walking a third of a mile to their destination. It was no small achievement to make these transfers. Over forty large wagon loads of furniture and other property must be transported ten miles or more and in the meantime provision must be made for eating, sleeping, and working as well as for the maintenance of discipline; and again the new home must be ready for the same exercises on the arrival of the boys, and all this was to be done without a double set of apparatus. It is praise enough to say that the whole was successfully accomplished.

With the exception of a few weeks when Mr. Howe was seriously ill and absent, and the boys were practically without a superintendent, the discipline and the success of the school in its new quarters and unaccustomed freedom from restraint was all that the most sanguine advocate of the new order had anticipated. In December of the following year, 1883, several members of a joint special committee of the legislature of Massachusetts visited the Rhode Island state institutions; one duty assigned this committee being to ascertain and report "what changes if any shall be made either in the inmates or buildings of the State Primary and Reform Schools to the end that they may most fully do the work for which they were established." In their report this committee commended highly the system which they saw in operation at Sockanosset school, and strongly recommended that the same be adopted in Massachusetts.

At this time brass bands, now become so common in reform schools, were a very great novelty, being almost an untried experiment; but there was a determination that Sockanosset school should lack nothing

calculated to increase its working efficiency. At the suggestion of Professor George I. Chace, chairman of the Board of State Charities, the sum of \$500 was contributed in equal shares by twenty generous friends, for the purchase of instruments. These were procured and a company of boy musicians was organized which, under the leadership of competent instructors, soon acquired a good measure of skill in their use.

The resignation of Mr. Howe as superintendent, tendered August 1st, 1883, was accepted two weeks later, to take effect on September 1st, and, on the same day, Mr. James H. Eastman, who had been for many years at the head of the New Jersey Reform School, was selected to serve as his successor. On the day of Mr. Howe's retirement, Mr. Eastman assumed the management of the school. Having learned that his doing so might be attended by some unpleasant and regrettable experiences, he had come in haste from New Jersey, arriving just in time to see more than one-half of the boys rush in a body off the grounds. It was evidently a preconcerted and not unexpected event, occasioning no surprise in the outgoing management. The boys seemed to be moved by a fear of what the new management might bring them; by whom they were inspired with this fear must be a matter of inference. At the same time, as if animated by the same spirit, nearly all the officers and matrons took an equally hurried departure, having previously placed their resignations in the hands of Mr. Howe, to take effect at the hour of his retirement. Such harmony of action was significant and not liable to be misinterpreted. However, in a short time, most of the boys who ran away were back again in their old quarters, many of them returning of their own accord, and others being returned by those who had been sent after them. It need not be inferred that the absconding officers returned to their positions either sooner or later. But to restore the school to its normal condition, undoing the mischief thus accomplished, was a task calling for tact and skill in the superintendent and his assistants. They proved equal to the emergency and, in a few weeks, matters were progressing smoothly as ever they had done. Eight ringleaders in the stampede, who were older and more vicious than the majority, and who had by their persistent misconduct always impaired the discipline and usefulness of the school, it was found necessary to transfer to the State Workhouse and House of Correction.

At the May session of the legislature in 1884, an act was passed directing the Board of State Charities and Corrections to procure "such machinery, mechanical tools and apparatus and materials for the use of the State Reform School as in their judgment they may deem suitable and necessary for the instruction of the inmates thereof in such of the ordinary and useful arts, crafts and trades as they may show a taste or capacity for." A special committee was appointed to consider



this action, which recommended printing, shoe making, and carpentry, in the order named, as trades which could be made profitable to the boys and to the institution. The same committee was authorized to make the necessary arrangements for carrying into effect its recommendations. This was done by equipping first a small printing office at an expense of a little more than \$1,400. A practical printer, who had also the qualifications of a teacher, was secured to instruct the boys, and ten were put in his care. Two of these proved but poor learners; at the end of the year, of the remaining eight the superintendent was able to report that six could set from six hundred to a thousand ems per hour. A newspaper called the Howard Times, printed by the boys and edited in the school, was issued fortnightly, having a paid subscription list which entitled it to be entered as second class matter at the postoffice. This subscription list soon after numbered five hundred and fifty actual mail subscribers. In the first year of its existence the office reprinted the first report of the Board, and the first report of the Trustees of the Providence Reform School; considerable printing besides was done in the way of blanks, etc., for the several institutions and for the office of the Board, and upon the report of the Secretary. Next year the office was earning enough to pay all its expenses, including the salary of the instructor. Some of those who had been instructed were now earning a support at the business in Providence and elsewhere. The equipment of the office was enlarged by the addition of another press and a further supply of type.

A contract covering five years from July, 1886, was entered into with the Herbert Brush Company of New York, for the employ of from fifty to one hundred boys, as the school might be able to furnish them at the rate of twenty cents each for six and one-half hours work. Other boys were employed upon the land at planting, grading, and other improvements.

It was in this year, 1886, that Mr. J. H. Eastman retired from the office of Superintendent to take another position under the Board, and Mr. F. H. Nibecker, who had been for some time in charge of Cottage No. 3, was appointed to fill the position thus vacated. During Mr. Nibecker's incumbency, at the May session of the general assembly, 1890, an appropriation of \$25,000 was voted for the purpose of introducing additional branches of industrial teaching, "by constructing other chapel and hospital accommodations, so that the present main building, within which said accommodations now are, may be used more largely for workshops, and by making such changes in said main building, erecting such new buildings and providing such tools and apparatus as may be necessary."

Plans for a building to be used in part as a chapel and in part as

a hospital, prepared by Messrs. Stone, Carpenter and Wilson, were accepted. These called for an ornate edifice, irregular in its outline, its longest axis measuring 103 feet, and having a floor area on the main story of 3,405 square feet, 2,427 of which should be given to the chapel and its ante-rooms, and 978 to the hospital. Provision was made in this hospital for fifteen beds on the ground floor, with a piazza on the east and on the west sides, the one sunny in the morning, the other sunny in the afternoon; so that a convalescent patient might sit out of doors in the sun at all hours of the day. The south end was to be unobstructed, having large windows on either side of a broad open fire place. The second story was assigned for the severer cases of sickness, with accommodations for six beds and a separate room, for patients who might be expected soon to die. Here also was a room for the nurse in charge. An open fire place was provided similar to that in the lower ward. The chapel would seat three hundred persons on the floor, and on each side was a gallery intended to accommodate fifty more. The architect's estimate of cost was \$13,000; the actual cost proved to be several thousands of dollars more than this estimate.

This year about ninety-five boys earned \$5,257.89, making brushes under the contract with the Herbert Brush Company. Fourteen boys were employed in the printing office.

Out of doors the boys did all the gardening and farming, raising large quantities of vegetables for home consumption; excavated for a conduit, the trench being ten feet wide, ten feet deep, and three hundred and thirty-five long, forty feet of which was through rock four feet in depth; excavated for the cellar of the chapel and hospital four hundred cubic yards of very hard soil; helped to build 150 cubic feet of foundation wall, working under hired masons as apprentices might be expected to work; excavated for an ice-pond three-fourths of an acre in area; cleared the stony lot to the east of the boiler house of the school; quarried and prepared stone for the chapel and hospital; graded the play ground of Cottage No. 2; assisted to place steam pipes in the conduit, and in covering these with a non-conducting material; and helped the hired masons to build the conduit.

Lest some one should suspect that while so much work was being done the study of books must have been neglected, it may be said that each boy spent three hours per day in some one of the school rooms, five days in each week, excepting legal holidays, during fifty weeks of the year.

The contract for labor with the Herbert Brush Company expired in July, 1891. The earnings for the six months then closing were about \$1,550. Since that date there has been no attempt to secure remunerative labor for the boys. An income has not been sought, but to make the school in the largest sense profitable to those committed to its care

has been had at all times in view. That such an institution must be expensive has been well understood, and the results have been esteemed worth all their cost.

The work of preparation for industrial education was progressing rapidly, machinery for the work shops had been purchased, and was partly in place, when Superintendent Nibecker resigned to take charge of the Philadelphia House of Refuge. A considerable period intervened before a successor was appointed, and there was a consequent delay in the work. After Mr. W. W. Murray, formerly of New York State Industrial School, took charge this was resumed with energy and skill.

A forty horse-power horizontal steam engine was placed in the basement of the main building.

A machine shop was started, equipped with tools and vises for bench work, drill press, lathes, planer, milling machine, etc. Instruction was given with practice in bench and vise work, in plain and taper turning, in inside and outside screw cutting, in fitting upon the lathes, in hand turning, and in varied work upon the planer, milling machine, and drilling machine. The result appeared a year or two later when the work accomplished included an upright four-horse-power steam engine, a speed lathe, a lathe center grinder, and the machine work on one hundred and twenty-four iron window gratings, in addition to all the machine repairing for the school and much for the other institutions at Cranston. A carpenter shop was furnished with eight benches, each furnished with a set of tools necessary for ordinary bench work; besides these, there were an adjustable saw-table, planes, and a wood-turning lathe. A carefully graded course of instruction was prepared and as fast as they acquired the use of tools the young workmen were employed upon necessary repairs and improvements about the school buildings and premises.

A blacksmith's shop was fitted up with eight forges and as many anvils, hammers, and sets of tools. Additional hammers and tools were afterwards made by the boys. These during the next year forged the iron and steel parts of the engine, and of the window gratings mentioned above, all the tools called for in the machine shop, with all the drills and other tools used in clearing up the school grounds. They did all the horse-shoeing and ox-shoeing, sharpened more than three hundred drills, and made thirteen hundred "grapples."

A class was taught by a well qualified instructor in bricklaying, stonecutting, and plastering.

A shoe shop was started, in which all repairing for the school has since been done.

These, with the laundry, sewing-room, farm, and printing office, are the various branches of industry taught and pursued in the Sockan-



nosset School. Of the different trade schools, the printing office, started in 1884, is much the oldest. Continuing till the date of this writing, 1901, under the care of Mr. H. A. Barnes, its first instructor, it has lost none of its efficiency and ability to earn money with the lapse of years, the money value of its work during the year of 1900 being upward of \$2,000.

A system of military training was introduced several years since; a battalion of four companies being organized, each company including the boys of a single cottage. These were instructed in setting up exercises, squad drill, the school for the company and battalion drill. The equipment consisted of rifles, belts, bayonets, scabbard, and cartridge boxes, for the privates, with the appropriate insignia, swords, belts, etc., for the officers.

The school band was reorganized with a view to greater efficiency, and the sound of the steam whistle was superseded by bugle and drum calls as signals for all general movements of the boys. The following daily schedule of calls was adopted: Reveille, cadets arise, 5:45 a. m.; assembly, setting up exercises, 6:05 a. m.; mess call, breakfast, 6:15 a. m.; assembly, assemble for work, 7:00 a. m.; recall, cease work for recess, 9:10 a. m.; assembly, assemble for work, 9:20 a. m.; recall, cease work, 11:55 a. m.; mess call, dinner, 12:05 a. m.; assembly, assemble for work, 1:05 p. m.; recall, cease work, 2:10 p. m.; school call, assemble for school, 2:25 p. m.; mess call, supper, 5:40 p. m.; retreat, 7:00 p. m.; tattoo, retire, 7:45 p. m.; taps, lights out, 8:30 p. m. On Saturdays, mess-call (supper) is at 5:00 p. m.; tattoo, at 7:30 p. m., and taps at 8:15 p. m. In winter the time of rising is half an hour later.

Early in the year of 1895, after a little more than three years of service as superintendent, Mr. Murray suddenly resigned. His place was immediately filled by the reappointment of Mr. J. H. Eastman, with Mr. Elmer Butterfield, an officer of long and high standing in the school, as deputy superintendent, to whom the details of administration were and still are committed. It does not detract in the least from the credit due any who went before to say that the prosperity and usefulness of the school during the seven years which have since elapsed was never equaled in any similar period of its history. Certainly the Sockannosset Reform School for Boys has no superior among schools of its class in the United States.

*James H. Butterfield*

Free Masonry  
and  
Odd Fellowship.





## CHAPTER VI.

### FREE MASONRY AND ODD FELLOWSHIP.

Although tradition, legend, and speculation have frequently ascribed to the origin of the Order of Free and Accepted Masons vast antiquity, there is no positive proof that it antedates the early years of the eighteenth century. Some members of the Order and various writers on the subject have found pleasure in identifying the well-known symbols of masonry with the building of Solomon's temple; others have contended that the finding of those symbols cut on stone in the valley of the Nile River is conclusive proof that the Order existed in ancient Egypt. Neither of these presumptions can be supported by tangible evidence. The English Grand Lodge was formed in 1717, from which event dates the actual historical beginning of modern Freemasonry. Since that date "there has been a governing body of the Craft from which, directly or indirectly, all Masonic lodges in existence trace their origin".<sup>1</sup>

But there is ample proof that there were so-called Masonic lodges in Great Britain previous to the date named. These were composed mainly of architects, builders, and other allied workmen who united in fraternal bodies almost wholly for practical purposes; trade promotion and self-protection in business were the objects thus sought by them, and their proceedings, brief and simple in character, were kept secret. The first distinct account of the admission of a member to one of those old bodies of craftsmen is found in the diary of Elias Ashmole, who joined a lodge in Warrington, England, on October 16, 1646. He mentions others, not practical masons, who were admitted to the "Fellowship of Freemasons". A lodge at Chester was, at about the same time, admitting members who were not operative masons. Finally, such modifications were made in the governing regulations of the lodges that all classes were eligible to membership.

The strongest claim of Freemasonry to great antiquity is the conclusive proof in existence that it is directly descended from the ancient Guilds of the Middle Ages, which in many respects were like the

<sup>1</sup>"*Freemasonry in Rhode Island*," Rugg, p. 8.

modern institution.<sup>1</sup> Those guilds were lineal predecessors of the English craft organizations above noticed. But beyond its connection with these mediæval societies, the voice of history is silent regarding this ancient and honorable Order, owing doubtless to the fact that among the earlier Masons there existed the greatest repugnance to commit to writing anything respecting the working or management of Masonic affairs. This was apparent down to a comparatively recent date, as shown by the meagre mention of known transactions in the written records of the old lodges.

With the changes made in Freemasonry about the beginning of the eighteenth century, the work of the Craft was liberalized and the later system of degrees was introduced or extended. The Grand Lodge of England, in 1723, recognized only two degrees; before that time there were among the English Masons only two grades, or degrees, conferred—the Apprentice, and the Fellow, or Master, and substantially the same condition prevailed in Scotland. William J. Hugan, one of the ablest of Masonic authorities, reached the conclusion that the Master's degree was not recognized until after 1717, and probably about 1722, or 1723. At that time, as before intimated, radical and comprehensive changes were introduced, which placed the Order upon a broader and more philosophic plane, and greatly extended the field of its usefulness.

Although it is more than probable that Freemasonry was introduced into America during the first quarter of the eighteenth century, the assumption rests largely upon tradition; it cannot be decisively proven. There are evidences, all more or less unreliable, that the Order was in existence in Nova Scotia and in the vicinity of Annapolis in the century named, and there is a tradition that a lodge was started in Boston in 1720. Tradition makes Savannah, Ga., also the scene of Masonic practice prior to 1730, while the same is true regarding the existence of organized Freemasonry in Newport, Rhode Island, previous to that year. Undoubtedly there were many Masons in this country long before that date; but the presumption that there were organized bodies practicing the mysteries of the Craft rests upon conjecture.

The year 1730 marks the historical beginning of Freemasonry in this country, and both Boston and Philadelphia claim the honor of precedence. Careful research has revealed the fact that in the year named there were several lodges in Philadelphia and its vicinity; one of these was St. John's Lodge, which was without doubt the first one in that city. This lodge was, in the beginning, a voluntary associa-

<sup>1</sup>Dr. Albert G. Mackey, a very excellent authority, says on this point: "We may trace our institution with an older but not dissimilar form, in the Masonic guilds of Europe, and in the travelling Freemasons of the Middle Ages."

tion, acting without regular Masonic authority, and it is not clear just when or from what source it received its charter. Daniel Coxe, of New Jersey, received from the English Grand Lodge a commission dated June 5, 1730, appointing him Provincial Grand Master for Pennsylvania, New York, and New Jersey. While this act gave him authority to constitute the first Philadelphia lodge, the assumption that he did so is not wholly undisputed. A letter purporting to have been written by Henry Bell to Dr. Thomas Cadwallader, dated November 17, 1754, would conclusively establish the fact, if the genuineness of the letter were not attacked;<sup>1</sup> but the record book of St. John's Lodge (Liber B) for the year 1731, discovered in 1884, almost conclusively proves it a fraud, and it is so considered by Masons of high authority. At the same time it is admitted that there were undoubtedly regular meetings held by a body of Masons in Philadelphia in 1730, and perhaps still earlier, and that in that sense it was a Masonic lodge, but without constituted authority.

Liber B, of St. John's Lodge, refers to William Button, late Master, and to William Allen, Grand Master; but it is not believed that there was at that time a Grand Lodge in Philadelphia. The Grand Lodge and St. John's were undoubtedly identical. Allen was succeeded as Master of St. John's by Humphrey Murray in 1733, and he by Benjamin Franklin in 1734. Franklin wrote to the Provincial Grand Master at Boston, and to Henry Price, Grand Master in the same city, under date of November 28, 1734, requesting "sanction of authority", conferring the exercise of Masonic proceedings by brethren in Philadelphia; it is confidently assumed that he would not have so written if any body of Philadelphia Masons had been "duly constituted", or if any Philadelphia body of the Craft had as good a claim to legal authority as the Boston organization, established in 1733. Henry Price, who resided in Boston several years beginning with 1723, returned to London and was there initiated into Masonry (probably in 1731), and on April 30, 1733, was commissioned Provincial Grand Master of New England. Returning to Boston he, on July 30 of that year (O. S.), met with ten brothers at "The Bunch of Grapes" tavern and there constituted them into a Provincial Grand Lodge. This was the first meeting of Masons in America, as far as can be determined by present historical evidence, held under the sanction of rightful written authority. Several candidates were initiated at the same meeting. "The

<sup>1</sup>This letter reads as follows: "As you well know, I was one of the originators of the first Masonic Lodge in Philadelphia. A party of us agreed to meet at the Tun Tavern, in Water street, and sometimes opened a lodge there. Once, in the fall of 1730, we formed a design of obtaining a charter of a regular lodge, and made application to the Grand Lodge of England for one, but before receiving it, we heard that Daniel Coxe, of New Jersey, had been appointed that Grand Lodge as Provincial Grand Master of New York, New Jersey and Pennsylvania. We therefore made application to him, and our request was granted."



Holy Lodge of St. John'' was constituted in Boston by Grand Master Henry Price, on the 31st of August, 1731 (O. S.), and from that beginning the Order in Massachusetts has spread and grown to its present great estate.

It will, therefore, be seen that while Masonic precedency in America may be given to Philadelphia, from one view of the case, Boston presents a strong claim when the limitation, "duly constituted", is applied to the early organizations in those cities.<sup>1</sup>

For its value for reference, it may be stated that Freemasonry was in organized existence in Georgia as early as 1735; in New Hampshire and South Carolina in 1736; in New York in 1737; in Virginia in 1741; in Rhode Island in 1749; in Connecticut and Maryland in 1750; in North Carolina in 1754; in New Jersey in 1761; in Delaware in 1765; in Vermont in 1781.

The history of Freemasonry in Rhode Island is clearly traceable back to 1749, in which year, on the 27th of December, St. John's Lodge, of Newport, was constituted, with Caleb Phillips, Master.<sup>2</sup> For some unexplained reason the Master withheld the dispensation, and therefore a second warrant was issued with date May 14, 1753. The Newport brethren were authorized to confer only two degrees, but regardless of this they did confer the Master's degree, and so eloquently upheld their action that the Grand Lodge confirmed their acts and gave them a charter to hold a Master's lodge, under date of March 20, 1759.<sup>3</sup> Candidates in the early history of this lodge frequently went no further than the degree of Fellow Craft, and those who did paid an additional fee. The charter to this lodge from the Grand Lodge of Rhode Island was granted April 26, 1793, and a duplicate was issued December 27, 1854. The lodge was incorporated in October,

<sup>1</sup>"*Freemasonry in Rhode Island*," p. 28.

<sup>2</sup>Rhode Island, like many other localities, has its traditions of Masonic organization being in existence long before the formation of St. John's Lodge. J. L. Gould, of Connecticut, in his "Guide to the Chapter," published in 1868, states that there is an account of Freemasonry in existence in Rhode Island in 1658. This statement was to some extent confirmed by Rev. Edward Peterson, in his Rhode Island History, published some years earlier than the "Guide." In the history is found the following: "In the spring of 1658, Mordecai Campennell, Moses Peckeckol, Levi, and others, in all fifteen families, arrived at Newport from Holland. They brought with them the three first degrees of Masonry, and worked them in the house of Campannell, and continued to do so, they and their successors, to the year 1742." This bold statement was credited to "documents now in possession of N. H. Gould, Esq." When pursued to the end this whole case was found to rest upon the following words written on a scrap of paper, which Brother Gould had seen in the possession of his father, but could not, or did not, produce: "Ths ye [day and date obliterated] 1656, or 8, Wee mett att ye House off Mordecai Campunall and after Synagog Wee gave Abm Moses the degrees of Maconrie." While this is good as far as it goes, it is, in the opinion of the best-informed authorities, not to be accepted as evidence that there was a constituted lodge at that early date.

<sup>3</sup>See pp. 34-5, "*Freemasonry in Rhode Island*," for this charter.

1793, and a new charter was granted in January, 1887. Caleb Phillips was succeeded as Master by Robert Jenkins, May 14, 1753, and he was followed by Benjamin Mason in 1763. The lodge records from 1765 to 1790 are lost and possibly were destroyed by the British during the Revolution. Ever since the close of the war for independence this old and honorable body of Masons has kept its existence, having in its membership many men occupying high station in public or private life.

Not many years elapsed after the stable founding of the first Masonic lodge of the State in Newport before the Masons of Providence applied to the Provincial Grand Master for a charter, which was issued under date of January 18, 1757. The name, St. John's, was adopted, as it had been by the Newport brethren. By the terms of the charter the brethren were required to observe the constitution, make returns to the Grand Lodge, and annually to keep, or cause to be kept, the Feast of St. John the Baptist and to dine together on that day. This lodge was one of sixteen which had up to that time been chartered by the Provincial Grand Lodge of Massachusetts; the sixteen were located in eleven provinces or colonies. St. John's Lodge No. 1, of Providence, held its earliest meetings at a tavern on North Main street, which displayed the sign of "The White Horse", and later at "The Two Crowns" tavern. St. John's, of Newport, probably held its early meetings in the council chamber of the old State House, while the Providence lodge, after the interregnum, met in the council chamber of the State House in that city. These two early bodies of the Order were for a time zealous in the work of the Craft and applied themselves diligently to the advancement and usefulness of their respective organizations.

The first meeting of the Providence lodge was held on February 18, 1757, and the lodge was incorporated by the General Assembly in October, 1793. John Burges was the first Master, but in the first year of his term he went on a voyage to Jamaica and the office was filled by Edward Scott. Brother Burges was Master until 1762, when he was succeeded by Joseph Brown. During a number of the years between 1763 and 1784, including the period of the Revolution, the records are fragmentary. Jabez Bowen was chosen Master December 3, 1778, and as far as the records show, continued in the office until 1791; other Masters previous to 1800 were Daniel Stillwell (1791-2), Oliver Bowen (1793), and John Carlile (1794-1805). Moses Brown was admitted to the lodge in October, 1758, and was chosen Secretary in December of the same year, an office filled by him with fidelity during about eleven years.

As before intimated, just previous to the beginning of the Revolutionary War, both of the lodges described ceased to hold meetings. While no special reason is given for this as far as relates to the Provi-

dence lodge, other than the general stress of the times, the chief cause of suspension of the Newport lodge was the establishment of King David's Lodge in 1780, under immediate authority of Moses M. Hays, who bore the title of Inspector-General of Masonry, and claimed broad power under a warrant purporting to emanate from George Harrison, Provincial Grand Master of New York, then a resident of Newport. Mr. Hays was chosen the first Master of King David's Lodge. Although the regularity of this new lodge was open to question, it flourished about ten years, when its membership was merged in St. John's, of Newport.

Thus we find Freemasonry in Rhode Island at the close of the Revolutionary War represented by St. John's Lodge in Providence, and King David's in Newport, St. John's of the latter city having become inactive long before that time. Among the members of the Order in that far-away period were many men of high standing, whose deeds and names shed luster upon the institution in this State. In this connection it is proper to here preserve the following address of King David's Lodge to President George Washington :

"Newport, R. I., Aug. 17, 1790.

"To George Washington, President of the United States of America :

"We, the Master, Wardens and Brethren of King David's Lodge in Newport, Rhode Island, Joyfully embrace this opportunity to greet you as a Brother and to hail you welcome to Rhode Island.

"We exult in the thought that as Masonry has always been patronized by the wise, the Good and the Great, so hath it stood and ever will stand, as its fixtures and on the immutable pillars of Faith, Hope and Charity with unspeakable pleasure we gratulate you as filling the Presidential chair with the applause of a numerous and enlightened people, whilst at the same time we felicitate ourselves the honor done the Brotherhood by your many exemplary virtues and emanations of goodness proceeding from a heart worthy of possessing the Ancient mysteries of our Craft being persuaded that the wisdom and grace with which Heaven has endowed you will ever square all your thoughts, words and actions, by the eternal laws of honor, equity and truth, as to promote the advancement of all good works, your happiness and that of mankind.

"Permit us then Illustrious Brother cordially to salute you with three times three and to all our fervent supplications that the Sovereign Architect of the Universe may always encompass with his holy protection.

Moses Seixas, <sup>1</sup>	}	Committee.
Henry Sherburne,		

"By Order,  
"William Litchfield, Sect'y."

<sup>1</sup>Moses Seixas, whose name appears upon the address to Washington, was a prominent early merchant of Newport, and served also as cashier of the Bank



To this communication President Washington graciously replied as follows:

“To the Master, Wardens and Brethren of King Davids Lodge in Newport, R. I.

“GENTLEMEN: I receive the welcome which you gave me to Rhode Island with pleasure, and I acknowledge my obligations for that flattering expressions of regard contained in your address with grateful sincerity, being persuaded that a just application of the principles on which the Masonic Fraternity is founded must be promotive of private virtue and public prosperity. I shall always be happy to advance the interest of the Society and to be considered by them as a deserving Brother.

“My best wishes Gentlemen, are offered for your individual happiness.  
George Washington.”

President Washington visited Rhode Island in 1790 (as elsewhere noticed in this work), and it was at about the same date that the subject of a Grand Lodge of the United States was discussed throughout the country. The records of both the Providence and the Newport lodges show that a communication was received from Grand Master Jackson, of Georgia, relating to certain resolutions passed by that Grand Lodge in reference to a proposed general Grand Lodge. It is probable that this agitation led the brethren of Rhode Island to the consideration of the subject of a Grand Lodge in this State. In promotion of the matter committees were appointed to confer upon it, and after a conference between representatives of the two lodges, a plan was formed for the founding of the Grand Lodge. At the same time steps were taken by the Newport brethren to revive St. John's Lodge, and thus secure the precedence which they deemed was theirs in the Grand Lodge. In pursuance of this purpose a committee was appointed, September 20, 1790, from King David's Lodge to confer with members of the older organizations upon the subject. The result was the revival of St. John's on October 19, 1790, the two bodies acting in the most perfect harmony for the general good. Peleg Clarke was appointed temporary Master of the reorganized body. Eleven members of St. John's and one hundred and thirty members of King David's Lodge participated in the revival. Moses Seixas was chosen Master to serve until the 24th of June, 1791.

Harmonious agreement was soon reached by the Newport and the Providence Masons in relation to the Grand Lodge movement, and the plan reported by the committee received approval of St. John's Lodge, of Newport, on March 14, 1791, and of St. John's in Providence on April 6, 1791. The plan provided for the choice of the first

of Rhode Island (of which Christopher Champlin, first Grand Master of Masons in Rhode Island, was president), a position which he held until his death in 1809. He was a devoted Mason.

Grand Master by the Newport lodge and for the Deputy Grand Master by the Providence lodge, while the other officers were to be equally divided between the two districts. The first district comprised the counties of Newport, Washington, and Bristol, and the second of Providence and Kent. The Grand Master was to be appointed by the two lodges in alternation, the first officers to hold their positions until 1793. Under this plan Newport elected the following to the offices named: Most Worshipful Chris. Champlin, Grand Master; Peleg Clarke, Sen. Grand Warden; George Sears, Sen. Grand Deacon; John Handy, Grand Secretary; Jabez Champlin, Grand Marshal; Henry Hunter and George Gibbs, Honorary Members. The Providence lodge elected the following: Rt. Worshipful Jabez Bowen, Deputy Grand Master; Daniel Tillinghast, Jun. Grand Warden; Ebenezer Thompson, Jun. Grand Deacon; Joseph Russell, Grand Treasurer; Gershom Jones, Grand Sword Bearer; John Brown and Benjamin Bowen, Honorary Members.

On June 27, 1791, a number of brethren of the two lodges met in the State House at Newport and organized the Grand Lodge of Rhode Island. Right Worshipful Moses Seixas presided over the meeting. When the organization was effected the new officers, with members of the Grand Lodge and visiting brethren, marched to Trinity church, where an appropriate discourse was delivered by Rector Rev. William Smith. A collection was taken, amounting to £11 9s. 4d., which money it was ordered should be "invested in wood, and distributed to the poor of this town during the ensuing winter". Thus was signified the respect accorded to religion and charity at that early time by the Masonic Order. The discourse delivered by Mr. Smith was the first sermon before the Grand Lodge of Rhode Island and was ordered printed for the brethren.<sup>1</sup>

The governing regulations of the Grand Lodge provided for holding annual sessions at Newport and Providence alternately. The membership of the two lodges then constituting the Grand Lodge numbered about two hundred and twenty-five, who were nearly equally divided between the two organizations. The eighteen brethren identified with the beginning of the Grand Lodge were in several instances men of high character. Christopher Champlin, the first Grand Master, was president of the Bank of Rhode Island, Newport, and was in the State Legislature sixteen years. Jabez Bowen, first Deputy Grand Master, and who succeeded Mr. Champlin as Grand Master in 1794, was a man of high scholarship and greatly esteemed in Providence and elsewhere. Peleg Clarke, Daniel Tillinghast, John Carlile, George Sears, and others were men of excellent standing and zealous Masons.

The closing years of the eighteenth century are remembered as a

<sup>1</sup>The sermon is printed in full in "*Freemasonry in Rhode Island*," pp. 59-64.

period of growth and deep interest in the advancement of Freemasonry in this State. The general repute of the membership was also kept on a high plane, fully as large a percentage of applicants being rejected from year to year as in more recent times. In 1797 St. John's Lodge, of Providence, rejected five, and a still larger number was rejected in years closely following. The three degrees were then conferred for a fee of \$21—\$12 for initiation, \$3 for passing, and \$6 for raising. At the first meeting of the Grand Lodge in Providence, June 25, 1792, a discourse was delivered by Rev. Bro. Badger, while Rev. Mr. Maxey, president of Brown University, officiated as Chaplain. Many pastors of churches were early identified with the Order, Rev. William Smith, before mentioned, and Rev. Abraham L. Clarke, of Newport, having acted as Grand Chaplains, as seen by the records of 1796. Mr. Smith prepared a Masonic Burial Service, which was approved by the Grand Lodge at the annual communication held in Newport June 26, 1797.

Although there was at the first a sentiment among the members of the Rhode Island Grand Lodge in favor of establishing a Grand Lodge of the United States, a decidedly different feeling was manifested at the meeting of 1802, when the following action was taken in response to communications from other lodges in relation to the subject:

*“Resolved,* That in the opinion of this Grand Lodge, the establishment of a superintending Grand Lodge for the United States is inexpedient.

*“Resolved,* That this Grand Lodge coincide in opinion with the Most Worshipful Grand Lodge of Virginia, that a Grand Masonic Convention, to be holden not oftener than once in three years, for the purpose of adopting an uniform mode of carrying on the great work of Masonry in the several degrees of Entered Apprentice, Fellow Craft & Master Mason, & such general regulations as may be deemed expedient & proper, might be of great utility to the craft.”

Other resolutions approving of sending delegates to such a convention in case the measure was adopted, etc., were adopted at that time.

In the year 1796 a dispensation was granted, under date of June 24, to a number of brethren in Warren, and on March 15, 1798, a charter bearing this date was granted to Washington Lodge No. 3. The lodge was duly constituted October 3, 1799, and was incorporated in the same month as No. 1; the civil charter was vacated in May, 1834, and re-issued in June, 1851, as No. 3. Charles Wheaton was chosen the first Master and held the office until 1806, when he was succeeded by Seth Peck, who continued until 1818. This lodge has kept up its active existence to the present time.

Before the close of the century the Masons of Providence had become so numerous and enthusiastic that a new lodge was projected, which took the name Mount Vernon. There is no record of a dis-



pensation having been issued, but a Warrant of Constitution was ordered on June 24, 1799, and the charter bears this date. Mount Vernon No. 4 was incorporated in February, 1800; the civil charter was vacated in May, 1834, and a new charter was issued at the January session of 1872. The first Master of this lodge was Amos Maine Atwell, who occupied the position until 1806, when he was followed by Michael Anthony. The lodge is still in prosperous existence.

A dispensation was granted for Washington<sup>1</sup> Lodge No. 5, Wickford, on July 11, 1798, to remain in force from the 5th day of August next ensuing, or until the charter should be granted. The original charter was granted June 24, 1799, and the lodge was constituted September 23, 1799. It was incorporated in May, 1801, as No. 2; rechartered in October, 1825, as No. 5; vacated in May, 1834, and reissued at the January session of 1868. John Aldrich was Master from the date of constitution until 1803, when Hezekiah Babcock was chosen and held the office until 1810. There are several breaks in the records.

The first year of the incoming century saw the establishment of two lodges in Rhode Island, the dispensations for both being dated June 25, 1800. The charter for St. Alban's Lodge No. 6, Bristol, was granted and dated October 21, 1802, and the lodge was constituted on the same day; it was incorporated at the May session of 1858. Nathaniel Waldron was the first Master, but held the office only one year, when he was succeeded by Joseph Rawson, who continued to 1804.

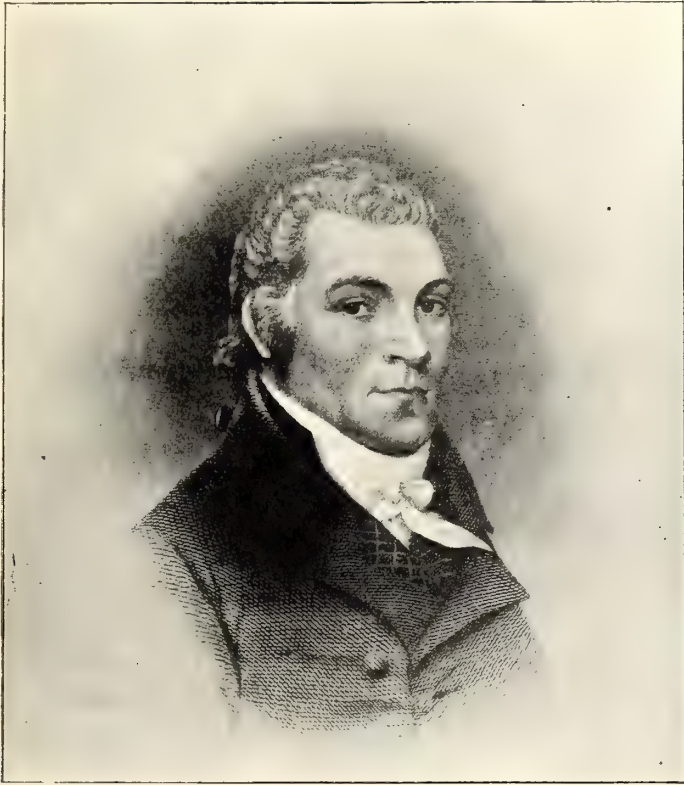
The charter for Friendship Lodge No. 7, of Chepachet, was granted June 24, 1805, and the lodge was constituted and the charter dated October 21, 1805; it was incorporated in February, 1807, and the charter was amended in January of 1834, 1835, and 1836. Joseph Bowen was the first Master and held the office until 1805, when he was succeeded by Anan Evans; he was followed in 1809 by Chad Sayles.

The establishment of these several lodges in different parts of the State are an indication of the interest felt in the advancement of this Order during the closing years of the last century and the first one of the succeeding century.

The Grand Lodge of the State held several communications during the year 1802, one of which was in Providence on February 26, which was marked by important action in revision of the constitution. One of the committee to whom was entrusted this task was Bro. Thomas Cmith Webb,<sup>2</sup> a most enthusiastic Mason, who became a resident of

<sup>1</sup>These several names, Washington and Mount Vernon, were adopted in honor of President Washington, whose death took place on December 14, 1799. On that occasion all Masons in this jurisdiction were requested by Grand Master Olney to wear a mourning ribbon nine days, in token of their great loss.

<sup>2</sup>Thomas Smith Webb was born in Boston October 30, 1771. He was possessed of unusual mental qualifications and was of a studious and thoughtful temperament. He learned the printing trade and removed to Keene, N. H.,



Thomas J. Webb

Providence about 1800. The new constitution was presented February 25, 1802, was considered at an adjourned meeting two days later and adopted March 5, 1802. The previous rule allowed only those brethren who were Masters or Past Masters of Rhode Island lodges to be eligible to the higher offices, which was changed by the revised constitution,<sup>1</sup> so that any brother who had held the office of Master "in some regularly constituted lodge" might be a candidate for the highest office in the Grand Lodge. The constitution was again revised in 1808, one new section providing that no lodge in the jurisdiction should be permitted to confer the three degrees for less than \$30.

During many years that followed the anti-Masonic crusade of 1829 and later, the Fraternity in Rhode Island, as well as in other parts of the country, worked harmoniously and enjoyed prosperity. A slight exception to this was dissension among some of the brethren of St. John's lodge, of Newport, who attempted to usurp authority and establish an independent Masonic body; they took forcible possession of the charter and property of the lodge and made a bold effort to carry out their purpose; but the dissatisfied members soon learned that wrongful possession of the charter gave them no standing. The seceders were summarily dismissed from all Masonic fellowship. In retaliation they brought libel suits against the Grand Master and Grand Secretary, but were defeated. In course of time the malcontents were allowed to return to their allegiance in St. John's Lodge. In 1826, just prior to the beginning of the anti-Masonry warfare, there were nineteen chartered lodges in the jurisdiction of the Rhode Island Grand Lodge. From that time forward to 1856, so crushing and widespread was the effect of the memorable crusade in this State, no new lodge was chartered in Rhode Island. Of the lodges chartered after No. 7, which has been noticed, and down to and including No. 19, Mount Moriah No. 8, Limerock, was the first. The dispensation for this lodge was granted July 28, 1804, and the charter was granted on

where he took the first three degrees of Masonry in Rising Sun Lodge of that place. In 1793 he removed to Albany, N. Y., where he established a newspaper, which he conducted about seven years. During the closing years of the century he studied and made himself familiar with every phase of Masonic knowledge, and in 1797 published the *Freemason's Monitor*, or *Illustrations of Masonry*, which gave him an extended reputation in the Order. To him belongs the credit of framing the American system of Royal Arch Masonry as it now exists. A second edition of the *Monitor* was issued in Providence in 1802 and he became a member of St. John's lodge. He was elected to all the high offices in the Grand Lodge of the State—Junior Grand Warden in 1802; Senior Grand Warden in 1803; Deputy Grand Master in 1811, and Grand Master in 1813. In 1801 he was elected Hig Priest of the Providence Royal Arch Chapter, and held many other positions of high honor in the Order. The establishment of the Grand Encampment of Knights Templar was his crowning Masonic labor. In 1815 he removed to Boston, and died suddenly in Cleveland, Ohio, on July 6, 1819.

<sup>1</sup>For copy of the new constitution see "*Freemasonry in Rhode Island*," pp. 76-81.



June 24 of the following year. The lodge was constituted and the charter dated September 30, 1805; incorporated in October, 1811; civil charter vacated May, 1834, and reissued at the January session, 1863. From 1804 to 1809 Moses Aldrich was Master and was succeeded by Christopher Dexter.

Harmony Lodge No. 9, Pawtuxet, was granted its dispensation May 6, 1805, and its charter was granted June 24, 1808. The lodge was duly constituted September 20, 1808; incorporated in February, 1809; charter amended in January, 1834, 1835, and 1842. Jonathan Nichols was the first Master, U. D., from May 6, 1805, until June 24, 1807, and Ephraim Bowen from this date until June 14, 1808, when he was succeeded by Peleg Rhodes, who occupied the office until 1814. From 1830 to 1849 no election was held.

Union Lodge No. 10, Pawtucket, received its dispensation April 15, 1808, but there is no record of the date when the charter was granted. The lodge was constituted and the charter dated June 26, 1809; incorporated May, 1824; civil charter repealed, January, 1834; new charter, January session, 1866. Ebenezer Tyler was the first Master and held the office until 1812, when he was succeeded by James Mason for one year. Mr. Tyler was then again chosen and remained in office until 1817.

King Solomon's Lodge No. 11, East Greenwich, was the next one constituted. The dispensation was granted June 24, 1806, and the charter on September 4, 1810. The lodge was constituted and the charter dated October 4, 1810; incorporated February, 1811; civil charter vacated, May, 1834. No returns from this lodge to the Grand Lodge were made after 1827 until March, 1843, at which time the charter was surrendered. Lucius M. Wheeler was probably Master during that period of fifteen years. Upon petition from several members, the Masonic charter was restored by the Grand Lodge, Dec. 27, 1852. The first Master was Stephen Franklin.

Manchester Lodge No. 12, Anthony, was organized under a dispensation granted at the session of the Grand Lodge on November 28, 1808, and on June 26, 1809, it was extended one year. Again, on June 25, 1810, another extension of one year was granted. The charter was granted September 4, 1810, the lodge was constituted October 3, 1810, and the charter is dated the following day; incorporated in October, 1810; the civil charter was voluntarily surrendered in May, 1834. Richard Anthony was the first Master.

Morning Star Lodge No. 13, Woonsocket, was originally located at Cumberland Hill. The dispensation was granted January 22, 1810, and the charter was granted August 26, 1814. The lodge was constituted and the charter dated September 25, 1811; incorporated in February, 1812; civil charter amended in January of 1834, '42, and '50. This lodge was prosperous for about twenty years, when, from some

cause, it lapsed into dormancy and meetings were few between 1833 and 1848; on December 12 of the latter year a reorganization was effected, the lodge was removed to Woonsocket, and the forfeited charter was restored December 27, 1848. David Sayles was Master from the date of organization to 1815, when he was succeeded by Nehemiah A. Potter.

Saint Paul's Lodge No. 14, Newport, was formed by a number of former members of St. John's Lodge, who held several preliminary meetings for the purpose of considering the subject. Application was finally made for a dispensation, which was granted January 16, 1816, and the original charter was granted June 24 of the same year. The lodge was constituted and the charter dated October 23, 1817; incorporated in October, 1817; charter amended in January and May, 1834. The lodge surrendered its Masonic charter September 18, 1818, when the members affiliated with St. John's Lodge, and from that date until 1875 there was again only one lodge of Masons in Newport. In the year named Francis Brinley Fogg, the only surviving member of the original St. Paul's Lodge, with other brethren, petitioned for the re-establishment of the old lodge, a dispensation was issued on August 3 of that year, and the lodge was reconstituted June 10, 1876. George F. Crandall was chosen the first Master after the revival. From that time to the present the lodge has enjoyed uninterrupted prosperity.

Upon the presentation of a petition on February 26, 1816, by Dr. Joseph Rice and others, asking for a dispensation for a lodge to be held in Coventry, under the name of Hamilton Lodge No. 15, the dispensation was granted by the Grand Lodge on May 27, 1816; there were six charter members. In 1817 the lodge built a hall for its use, but becoming dissatisfied with the location, a hall was purchased at Foster Center and the removal thither was made in 1825. Possession of this hall was subsequently lost through the action of one of the members. The date of the charter of this lodge was October 9, 1817, and on that date the lodge was duly constituted. Thomas O. H. Carpenter was the first Master and held the office until 1823.

Warwick Lodge No. 16, at Phenix, was organized under a dispensation granted November 25, 1822. William Harrison was the first Master. Meetings were held in a private dwelling many years. A charter was granted September 16, 1825, and the lodge was then duly constituted. Owing to anti-Masonry the charter was surrendered December 28, 1830, but the lodge was revived March 12, 1855, and on June 22 of that year the old charter was received from the Grand Lodge. The lodge was located at the village of Greenville, but removed to Phenix, February 6, 1857, and a hall there, fitted up in 1872, was burned the following year and the silver jewels of the lodge were destroyed. A new set of solid silver was presented the lodge by What Cheer Lodge,

of Providence. Meetings were held for a time at River Point, until a new hall was ready at Phenix. This lodge was incorporated March 29, 1866. William Harrison was Master from the organization until 1828.

The next lodge formed is now extinct. It was Evening Star Lodge No. 17, at Smithfield. The dispensation was granted June 24, 1824, and the charter was granted February 28, 1825; the lodge was duly constituted May 18, 1825; incorporated in June, 1827; civil charter repealed in January, 1834. During a few years this lodge was prosperous, but the crusade of the anti-Masonic forces was more than it could withstand; only two meetings were held in 1832, and one in 1833. From that date until November 15, 1839, no work was done by the lodge. From this time meetings were held at intervals in the hall of Mount Moriah Lodge during a few years. No election of officers was held for 1843, and the last report was made for 1846, and the record book shows that the last meeting was held on October 31, of that year. An effort was made by the Grand Lodge to secure the property of this lodge, but the charter is missing. Abel Wilder was the first Master of this lodge.

Temple Lodge No. 18, Greenville, was another that was formed just prior to the anti-Masonic period and went before the crusade, but was subsequently revived. The dispensation was granted February 22, 1824, and the charter was granted June 26, 1826, and its date was August 31, 1826; incorporated in May, 1867. The lodge seemed prosperous, six being initiated the first year of its existence, and seventeen the second. From 1830 to 1840, the register of the Grand Lodge bears against the name of Temple Lodge the words, "Not represented; no returns", and after 1840 the name disappears from the Grand Lodge roll of subordinate lodges. An attempt at reorganization was made in August, 1860, but there was enforced delay, and it was not until November 2, 1865, that a dispensation was granted authorizing the opening of a lodge at Greenville, with the name of Temple; it was constituted October 31, 1866. Upon the reorganization, A. B. Armstrong was chosen U. D., and from that date to the present the lodge has been prosperous.

The last lodge formed in Rhode Island previous to the beginning of the anti-Masonic warfare was Lafayette Lodge, No. 19, Cumberland, which is extinct. The dispensation was granted October 24, 1825, and the charter was granted June 26, 1826, bearing date of October 5, 1826; incorporation was effected in October, 1827, and the civil charter was repealed in January, 1834. This lodge built a hall at a cost of \$600 in 1826, which was dedicated on St. John's day, June 24, 1828. At the quarterly communication of the Grand Lodge, held September 25, 1843, the charter of the lodge was declared forfeited, but it was not until August 28, 1848, that the final proceedings were taken to close up the affairs of the lodge. Oliver Harris was the first Master.



The original cause of the anti-Masonic uprising and the principal events leading thereto are well known. It may be briefly stated that one William Morgan, who was a resident of Batavia, N. Y., and a Mason, threatened to publish a book which he had written revealing the secrets of the Masonic fraternity, in direct violation of his oath. After numerous attempts by members of the Order to induce him to abandon his purpose and surrender his manuscript, he was arrested on a trifling charge and confined in the Ontario county jail. On the following day he was released at the instigation of several Masons and upon reaching the street was seized, placed in a close carriage and driven rapidly westward. He was accompanied by three Masons and was taken first to Lewiston, N. Y., and thence down the Niagara River to Fort Niagara, which was reached about midnight of the 13th of February, 1826. He was there confined in a magazine until the 19th, when he disappeared. Arrests and trials for the abduction followed. Eli Bruce, then sheriff of Niagara county, the commandant at Fort Niagara, and several prominent Masons of that vicinity were tried and a few convicted for complicity in the affair and were fined or imprisoned. The trials were so manipulated that they extended over a period of five or six years, thus aiding in keeping alive the intense excitement caused by the event. What became of Morgan, or whether he was murdered, as charged and believed by many, or whether Masons were responsible for his death if he was killed, were questions that were never proven; but the known fact that he was taken away from his home at the instigation of members of the Fraternity was sufficient to give rise to the wildest rumors and theories, and served as the torch to light the fires of anti-Masonry.

There were shrewd politicians in those days in New York State, as there are at the present time, and they saw in this anti-Masonic agitation a lever with which they believed they could cause a mighty upheaval in politics—and they succeeded. The Anti-Masonic party was born, drawing to its ranks many former adherents of the old organizations. As early as 1829 the candidate of the new party for State senator in the eighth district, composed of counties in the western part of New York, was elected by an unprecedented majority; and in 1830, in a poll of 250,000 votes, the new party failed of electing its candidate for governor by barely 8,000, while in 1832, when the poll was 320,000, it was defeated by less than 10,000. In Pennsylvania, in 1835, it elected its candidate for governor, and in several other States, and notably Rhode Island, it gained amazing strength. The marvel of anti-Masonry is not that a man may possibly have been abducted, or even killed, at the instigation of the great fraternal organization, but that a strictly local incident, an unproved crime at the best, could have been so magnified, so manipulated by politicians as to attain national

importance and to become the forerunner of a crusade in which the original cause was almost buried from sight.

Rhode Island was a hot-bed of anti-Masonry second only to New York, though it was naturally a little later in its active and aggressive development. The Grand Lodge of Rhode Island was charged not only with giving its sanction to the Morgan affair, but with having caused the death of one of its members who had betrayed some of the secrets of the organization, and the entire Order was denounced, publicly and privately, in the bitterest terms. A newspaper, called *The Anti-Masonic Rhode Islander*, was started in Newport in 1829. A copy of it is in the possession of the Rhode Island Historical Society. Its motto was, "Thou shalt not do murder", and its publishers were Allen & Folsom, 178 Thames street. Dr. Benjamin W. Case, a violent anti-Mason, was editor, and his columns were largely devoted to expressing his extreme ideas and broadly condemning all secret orders. The same publishers were responsible, also, for the issue of the "Prospectus of Proceedings and Addresses of the Pennsylvania Anti-Masonic State Convention".

The Newport Mercury of March 13, 1830, said that "Antimasonry seems to be spreading"; that New York and Pennsylvania had both had anti-Masonic State conventions during the preceding week; that the convention at Harrisburg continued in session two days and appointed twenty-eight delegates to attend the general convention to be held in Philadelphia in September. "The Anti-Masonic Convention held at Albany on the 2d inst. appointed 36 delegates to attend the National Convention at Philadelphia on the 11th of September next."

A memorial was presented to the Rhode Island Assembly in 1831 demanding an investigation of the whole subject of Masonry, its obligations, proceedings, regulations, etc., and made the claim that "the designs, principles, and practices of Freemasons are believed to be adverse to religion and morality, subversive of civil government, and incompatible with all the social and civil virtues".

The Anti-Masonic party in several States had allied itself with the Whigs; but this was not the case in Rhode Island, where the first of its tickets was nominated in 1831, taking Governor Arnold from the National Republican ticket, and Lieut.-Governor Hazard from the Administration (Democratic) ticket, with a part of the senators from each, and a few independent candidates. An Anti-Masonic convention was held in Providence on September 14, 1831, at which a series of nineteen resolutions was adopted; these claimed that the preponderance of Masons in the Federal government "shows the importance of applying political anti-Masonry to remedy the evils there, as well as in State governments"; they thanked Colden, Richard Rush, and John Quincy Adams for their stand in opposition to Masonry; they claimed that seven-eighths of the press of the country was in control of

the Order, and that therefore anti-Masonry had the right to resort to the press and the ballot to destroy it; "that the able and fearless manner in which the cause of anti-Masonry in this State has been sustained and supported by the conductors of the Rhode Island American, entitles that paper to a liberal and extensive patronage", etc. It was voted to appoint Anti-Masonic county committees and recommended the appointment of town committees.

On the other hand, an address of the Grand Lodge of Rhode Island to the public was prepared in the same year (1831) by John Carlile, William Wilkinson, Peter Grinnell, Barney Merry, Joseph S. Cooke, Barzillai Cranston, Jacob Frieze, and Thomas Rivers, which replied in detail to the charges of their opponents against the Craft. This address is a dignified paper, logical and modest in its statements. It set forth that all Masons were not bound to endorse a wrong done by a brother; that their secrets were deserving of as much respect as the internal affairs of a church; that they were subject to the Legislature only as far as concerned the issue of their charter, and that while they obeyed the laws, their proceedings could not be stopped. This address was reported to a meeting held in the hall in Providence June 13, 1831.

The petition to the Legislature, before mentioned, resulted in the appointment of a special committee to make the investigation in Masonic practices. This committee met in Providence on December 7, 1831, and the proceedings assumed the character of a court of law. Masons were examined and called upon to answer questions regarding their Masonic oaths and obligations, and were not to be "protected from answering all questions that might be put to them". It was also understood that Masonic bodies would be required to produce books and records before the committee. After a number of sittings, in which there were differences among members of the committee, a report was made which fills more than two hundred printed pages and was signed by four members of the committee—B. Hazard, James F. Simmons, Levi Haile, and Stephen B. Cornell. Readers must be referred to the report itself for details, which may be found in the library of the Rhode Island Historical Society and elsewhere. It showed that the worst charges against the Fraternity in Rhode Island were wholly false, and exonerated Freemasonry in the State from all charges of criminality, but closed with the following paragraph in deference to the state of the public mind on the subject:

"This committee cannot but come to the conclusion that Masons owe it to the community, to themselves, and to sound principles, now to discontinue the Masonic institution".

William Sprague, jr., was a member of the committee and was opposed to the other members in their course and its results as shown in



their report. Mr. Sprague made a separate report in which he stated that he had learned at the beginning of the investigation that other members of the committee had agreed with the Masons of Providence that they would be called to testify, but would not be required "to state any of the secrets of Masonry". Mr. Sprague showed during the sittings that it was his wish that the Masonic witnesses should be forced to reply to every question, no matter what its character, and wanted the examination to go thoroughly into all the details of the Fraternity. The fact is, that the witnesses refused to reply to questions about as they thought best for themselves.

Another local incident of the crusade was the publication by eight persons, among whom were Rev. Ray Potter, Rev. Levi Chase, and Rev. Henry Tatem, of a paper intended to prove that Masonry sanctioned, and even required, the sacrifice of human life as a penalty for disclosure of its secrets. To this a reply was made in the form of an address to the public, dated August 4, 1831, and signed by John Carlile, William Winkinson, Peter Grinnell, Barney Merry, Joseph S. Cooke, Barzillai Cranston, Jacob Frieze, and Thomas Rivers, in which the accusations were denied by the most solemn asseverations and logical argument. Jacob Frieze also delivered an address before the Grand Lodge on June 24, 1831, the burden of which was in defense of Masonry from charges of murder and conspiracy. Said he, "if Morgan was murdered, and by Masons, it is probable that but few hands were concerned in the transaction", and the whole Order should not be made to suffer for the deeds of a few persons; he compared Masonry with Christianity, both necessarily containing bad elements, continuing: "Masonry, they say, is a political body, seeking power and influence through the medium of her secrets. Anti-Masonry, of course, is the author of no political schemes". Two other addresses emanating from the committee of Masons above named were issued in the summer of 1831, in reply to the report of the legislative committee.<sup>1</sup>

A "Declaration of the Free Masons of Rhode Island" published and adopted by the Grand Lodge, March 11, 1833, was a document the preamble of which refers to the injury done to the Fraternity by the anti-Masons, and following with the declaration that all obligations of Masonry are in line with justice, truth and law. This paper was signed by 170 Providence Masons, 60 in Newport and Portsmouth, 45 in Bristol, 27 in Warren, 88 in Smithfield, 65 in Cranston and North Providence, 60 in Warwick and Coventry, 23 in East Greenwich and Wickford, 48 in Glocester, and 48 in Cumberland and Foster.

Meanwhile the politicians were hard at work making the most of their opportunity, their views finding expression in the newspaper

<sup>1</sup>All of these pamphlets and papers are in possession of the Rhode Island Historical Society.

organs of the respective political parties. The issue of the Rhode Island American of November 29, 1830, said, "Ever since 1826 it has been most positively asserted that opposition to Masonry was dead and buried in New York. . . . In 1828 Solomon Southwick, who was foolishly run for Governor, received 33,000 Anti-Masonic votes. In 1829 an Anti-Masonic senator received 69,000 votes. In 1830 Francis Granger received 120,000 votes", etc.

The Newport Mercury of October 22, 1831, commented upon the fact that the entire Anti-Masonic ticket had been elected in Vermont. A straight Anti-Masonic ticket was nominated in Rhode Island in 1832, the candidate for governor being William Sprague. A State convention of the new party was held in Providence, January 17, 1833, to agree upon a Prox of general officers. This was the time when the crusade was at its height, at least in this State. Both of the old parties were scheming for coalition with the Anti-Masonic forces. A communication in the Providence Journal of January 28, 1833, noted the sudden political changes that were taking place and stated that the Jackson leaders in Rhode Island were "rather sober". Continuing, "Now it would seem by the late nominations of State Senators, that the whole Jackson party was to be transferred to Anti-Masonry. What changes have there been, too, in Anti-Masonry! The leaders of that sect professedly started with the sole view of rendering free-masonry unpopular; yet, in a little while, they turn out to be gambling, reckless politicians, who are ready to trade with this man and that man, be he mason or not, and to engage in petty traffic with this party and that party". The writer asserted that amid all the passing changes, the National Republican party had been consistent. On the other hand, the columns of the Rhode Island American bristled with bitter political editorials in support of the new organization, and the Republican Herald zealously upheld the Jackson interests. The Providence Journal of March 11, 1833, professed much surprise at the prospect of coalition by the Jackson and Anti-Masonic forces, and charged inconsistency in the nomination of John Brown Francis in opposition to Governor Arnold, demanding an explanation as to which party had given up its principles, the Jackson or the Anti-Masonic. In the mean time the Rhode Island American was making such revolutionary declarations as that Masonry "utterly disqualifies a man to be a Sheriff, Witness, Judge or Juror", and that the leading principle of its party must be that every Mason must be disfranchised. The campaign was a warm one and was followed by the State election on April 17, 1833, in which Arnold, the National Republican candidate ran ahead of Francis in Providence, but the so-called "State Amalgamation" ticket as a whole had about 700 majority in the State.

The campaign of 1834 was little less exciting. A convention of

those opposed to "the ruinous course of the administration" was held in Providence on April 2, and nominated Nehemiah R. Knight for governor, and George Irish for lieutenant-governor, and many enthusiastic public meetings were held by the different factions. The Anti-Masons went before the General Assembly with another memorial, asking that the civil charters be taken away from the several Masonic organizations to which they had been granted in the State. These organizations were cited to appear and show cause why their charters should not be revoked. The Grand Lodge thereupon appeared before the Assembly by counsel and remonstrated against such action; but nothing could stay the tide of opposition now running so strong under the manipulations, and the Assembly, at the January session of 1834, repealed six charters, but left a number in force. Other legislation was enacted in favor of the Anti-Masons, including a law prohibiting the administration of extra-judicial oaths.

After being subjected to all of this determined opposition, misrepresentation, and, as they believed, persecution, the Fraternity felt that they might as well abandon the field and bow to what at that time seemed to be the popular will. The Grand Lodge, on March 17, 1834, held a Communication, at which it voted to surrender its civil charter and recommended all lodges in this jurisdiction to take the same action; but the Grand Body made it clear that this course was not intended in any sense to signify an abandonment of the institution or an admission that its life was ended. On June 24, 1834, a committee reported to the Grand Lodge upon the facts connected with the surrender of the civil charter, in which report is found the following:

"We wish it to be distinctly understood by all our Masonic brethren, either at home or abroad, that the civil charters had no connection with the Masonic charters; that the Grand Lodge retains its Masonic powers as heretofore, and that its members have not relinquished their rights as citizens to assemble peacefully together or to associate as Masons," etc.

It is worthy of note that several lodges in this State held to their charters throughout the crusade, and it is still more deeply significant that not a single lodge gave up its Masonic charter during the period when the institution was most actively assailed. Several were dormant, however, only a short time after the birth of anti-Masonry and became extinct before the revival of Masonic prosperity—which took place twenty years or more after the beginning of the excitement in Rhode Island caused by the disappearance of Morgan. The charter of the Grand Lodge was restored by an act of the General Assembly, passed April 4, 1861, when brighter days for Masonry had come and all eyes were turned towards the events that were heralding a far greater and more honorable conflict.



After the surrender of its charter by the Grand Lodge there was a slight change of sentiment among the Anti-Masons, who considered their cause won, and who did not sympathize with the political measures which were overwhelming the original question. A writer in the Providence Journal of April 7, 1834, signing himself "An Anti-Mason", said, in substance, that after several years of conflict the Grand Lodge had surrendered its charter and the objects of the movement were thus accomplished; therefore, why be instruments longer "to cut our own throats?" The name of John Brown Francis again led the "Administration Prox"; the Providence Herald published the Anti-Mason and the Jackson proxies side by side. At the ensuing election Mr. Knight had a majority in Providence of 669, and was elected by about 160. In 1835 Francis beat Knight by less than 100 votes, and in 1836 Van Buren received the electoral vote of Rhode Island for the presidency. The political party designation of Whigs and Tories now came into existence, the Anti-Masons continuing their coalition with the former. In the spring of 1837 in Rhode Island the Tory element was so strong that it was hopeless for the Whigs, and, as stated in the Journal, the election "went without opposition". In the following August, however, the Whigs were encouraged by obtaining a majority for their ticket, and in the Providence Journal of April 3, 1838, is found the statement that Rhode Island was the first State in the Union to acquire "the memorable distinction of breaking loose from the company of Van Buren"; but the latter was elected president. The Whigs and their allies were successful in the next year, when William Sprague was elected governor. During all of this period of ten years, or more, the Anti-Masonic political party, built upon the disappearance of one man in a mysterious manner, nurtured by politicians for their own ends, and received with open arms into one of the older political organizations, was an immense power in many parts of the country.

The time approached when this movement began to lose its hold upon popular favor, and its decline was as rapid as its rise. By the year 1840 the storm was about over in Rhode Island, although its effects continued much longer. No new lodge was chartered in this jurisdiction from 1825 to 1856. During nearly fifteen years after the beginning of the crusade there was almost entire cessation of work in the lodges, and membership rapidly decreased. The returns to the Grand Lodge in 1840 represented an aggregate of 950; about one-third as many reported in 1850. But there were many zealous and faithful brethren who never lost hope. Such men as Joseph S. Cooke, Grand Master during the darkest period, Caleb Earle, Peter Grinnell, Moses Richardson, William C. Barker, Christian M. Nestell, Oliver Johnson, James Hutchison, Henry Martin, Barney Merry, Rev. Dr. George Taft, William Field, James Salsbury, and others, never wavered in

their allegiance to Masonry, nor ceased their efforts for the life and advancement of the Fraternity. When the opposition had largely disappeared charters were brought from their hiding-places, rooms and furniture were renovated, the ancient ceremonies were resumed, and a more hopeful spirit animated the faces and speech of the faithful.

On June 24, 1840, a large number of brethren held a Festival Communication of the Grand Lodge in Pawtucket in the Congregational church, where an eloquent discourse was delivered by Rev. Paul Dean, of Boston. This was only one of several evidences of the beginning of the revival. In 1842 the Rhode Island Grand Lodge was represented by William Field at the convention held in Washington to consider the establishment of a General Grand Lodge, and at another convention at Baltimore, in May, 1843, the same representative attended; here plans were perfected for the holding of a National Masonic Convention once in every three years. In 1847 another convention, held in Baltimore, adopted a constitution for a Supreme Grand Lodge, which was to become operative when it was ratified by sixteen Grand Lodges; this project failed, but Rhode Island was one of the States that favored it. When another effort was made in the same direction in 1849, a Quarterly Communication of the Rhode Island Grand Lodge was held in Providence on November 26, and a draft of a constitution for a General Grand Lodge was adopted. But this attempt, too, failed and no General Grand Lodge was ever organized.

A new constitution for the Rhode Island Grand Lodge was reported in 1847 and adopted in 1848. Changes were few, among them being a declaration of the inherent right of a Grand Lodge to amend its own constitution, without confirmation of amendments by subordinate lodges; also, the restriction of the business of St. John's Day to the election of officers. The minimum fees for conferring degrees was fixed at \$24; \$14 for the first degree, \$3 for the second, and \$7 for the third degree. Of this amount \$4 went to the Grand Lodge.

At a Quarterly Communication, held August 27, 1849, resolutions were adopted which led to the founding of the Grand Lodge Library, which, at the time of its destruction by fire hereinafter referred to, had grown to a fine collection of standard Masonic and other works.

The Centennial Celebration of St. John's Lodge, Providence, took place on St. John's Day, June 24, 1857. This was one of the most notable gatherings of the Fraternity in Rhode Island. Every lodge in the State was present, with visiting organizations, St. John's Encampment of Providence, Washington Encampment of Newport, Holy Sepulchre Encampment of Pawtucket, and others, all forming an imposing procession. The services were held in the Baptist church and were conducted by Rev. George W. Chevers, Grand

Chaplain; an address was delivered by the Rev. George M. Randall, D. D., which was highly complimented.

The first Masonic Lodge constituted in Rhode Island after the abatement of opposition was Franklin Lodge No. 20, of Westerly, the dispensation for which was granted November 24, 1857; there is no evidence that the dispensation was ever issued. The charter was dated and granted May 25, 1857, and the first meeting was held July 8, 1857. The lodge was incorporated in January, 1870; it passed through a period (1859-61) of internal dissension, which arose mainly over the election of a certain member as Master; but the good offices of the Grand Lodge and the good sense of many of the members finally caused a settlement of the difficulty in an amicable way. James H. Hoyt was the first Master.

The next lodge constituted was What Cheer Lodge No. 21, of Providence, for which a dispensation was granted August 31, 1857. The first regular Communication was held in What Cheer building, September 1, 1857. William B. Blanding, Master; Lyman Klapp, S. W.; Robert S. Fielden, J. W.; Absalom P. King, treasurer; Edward Hooker, secretary; Sylvanus Tingley, S. D.; Samuel L. Blaisdell, J. D., were present, with twelve other Rhode Island brethren and a few visitors. The initiation of Nicholas Van Slyck was the first performed, November 6, 1857. A charter was granted and dated November 30, 1857, and the lodge was publicly constituted February 2, 1858; the incorporation took place at the January session, 1864. This lodge has had a very prosperous existence; the number of members in 1861 was 110, and the additions during the war period brought the number up to 230. (A period of still greater activity ensued in 1870-1 when 125 petitions were presented, of which 62 were granted.) The fees in this lodge were originally \$30, but were twice increased, until they reached \$75, afterwards being reduced to \$50, as at the present time.

The decade 1860-70 was one of marked prosperity and growth of Masonry in Rhode Island. In the year first named there were sixteen lodges in the jurisdiction, all of which have been noticed. There was an aggregate membership in the jurisdiction of 1,483. Only four lodges had more than one hundred members each; few lodges were occupying their own halls, and few had any invested funds. But there were strong men directing affairs in the Grand Lodge of the State. William Gray, of Newport, was Grand Master; Ariel Ballou was Deputy Grand Master; Philip B. Bourn and William B. Blanding were Grand Wardens, and Thomas A. Doyle was Grand Secretary; others of equal energy were associated with these. While the outbreak of the Civil War caused a shock in Masonic circles, the growth of the institution was not retarded during that trying period. The Fraternity was well represented in both the army and the navy and evinced



the patriotism of all loyal Americans. Seven new lodges were chartered in this State in the decade, besides the so-called traveling lodge, American Union, attached to the First Rhode Island Regiment of Detached Militia, for which a dispensation was granted April 29, 1861. The dispensation was returned August 26, 1861, it being learned that it could not be used as anticipated.

In 1861 the Rhode Island Grand Lodge took important action respecting the ritual and work. The plan, which was presented by Past Grand Master William Field in behalf of a committee, involved the creation of a Grand Lodge of Instruction, "which shall obtain, preserve, and promulgate the work and lectures of Masonry in this jurisdiction, subject only to the M. W. Grand Lodge". The Grand Master and Past Grand Masters were made members of the Lodge of Instruction, with other lower officers as *ex officio* members. Proper regulations for the Lodge of Instruction were also included in this plan. Although there was opposition to the plan it was finally adopted, and Ariel Ballou was chosen the first Master of the Lodge of Instruction; William Field, first Senior Warden; James Hutchison, first Junior Warden. A charter was issued to the lodge and accepted January 27, 1862. A period of study of the ritual and perfection of ceremonies followed, and at the January Communication, 1863, the work of the three degrees was exemplified by the Grand Lodge of Instruction, and approved. Thus a standard was fixed for the subordinate lodges in the jurisdiction, which, with a single exception, modified their practice to correspond. The Master of Mt. Moriah Lodge, Smithfield, and the brethren under him, refused to depart from what they considered the true standard; but the subsequent arrest of the lodge charter and suspension of the Master, and the reference of the matter to the Grand Lodge of the State, brought about the revocation of the lodge charter, the expulsion of the Master and the suspension of twenty members. The difficulty was prolonged by meetings held clandestinely by some of the suspended brethren, six of whom were thereupon expelled. This extreme action was sufficient to cause the majority of those in error to seek reinstatement, and ten were received back in 1865 and the lodge charter was restored.

This Grand Lodge of Instruction did not long survive, and there was always some doubt as to its utility. In 1867 its membership was reduced to seven, but this change was ineffective and it soon passed out of existence.

In 1865 a new constitution was adopted in the Grand Lodge, but the changes were few and not of great importance. In 1870 there were twenty-five lodges doing active work in the State, as described further on, with a total membership of 3,215, or more than twice the number in 1860. There were also found throughout the jurisdiction many changes in the way of improved facilities for work, increased

resources, and a far more benignant and sympathetic state of public feeling towards the Fraternity.

Since 1870 and down to the present the Rhode Island Grand Lodge, and the Order at large through the State, have maintained a satisfactory ratio of advancement in all directions. Resources, influence, stability, respect and confidence of the public, all have shown substantial gain throughout the jurisdiction. Numerically the gains from 1870 to 1880, and in the succeeding decade, were not equal to those from 1860 to 1870; but the increase from 1880 to 1890 was considerable and included most excellent material. At the celebration of the Centennial of the Grand Lodge, in 1891, there were thirty-six working lodges in the jurisdiction, with a total membership of 4,177; the whole number of Masons in the State at that time was reported as 4,275. What Cheer Lodge, Providence, had the largest membership—397, and four others had more than 200 each. During the last twenty years there have been organized and constituted ten new lodges, all of which will be presently noticed. All of the lodges in the State are numbered consecutively, excepting that St. John's in Providence and St. John's in Newport each bear the number 1, and that the numbers 17 and 19 do not appear, the lodges originally bearing those numbers having ceased their existence in 1849, as before described. The constituting of these many lodges has usually been made an occasion of Masonic interest and instruction.

In 1889 a new Monitor made its appearance, after it had been in contemplation more than ten years. Its final completion was due mainly to a committee appointed in 1883 by the Grand Master, which consisted of Nicholas Van Slyck, Thomas A. Doyle, Newton D. Arnold, George M. Carpenter, Henry W. Rugg, E. L. Freeman, and David S. Baker, jr.

It is impossible within the limits prescribed for this work to notice in detail the many events of importance in which the Fraternity have officiated in this State. Among them are the dedication, on October 11, 1869, of the new Masonic Hall in Westerly, which was one of the largest demonstrations ever made by this Fraternity in Rhode Island. On June 24, 1870, many craftsmen from all parts of the jurisdiction, with officers high in Masonry, participated in laying the corner stone of the soldiers monument in Providence. The Anniversary of St. John the Baptist's Day, of 1875, was celebrated by the Masons of the State in connection with laying the corner stone of the new City Hall in Providence, when very interesting ceremonies took place.

On May 15, 1876, the corner stone of the Providence County Court House was laid by Grand Master Van Slyck, assisted by officers of the Grand Lodge. The procession was composed wholly of Master Masons. Gov. Henry Lippitt delivered a short address, followed by a eulogy on Masonry by Rev. Bro. W. N. Ackley and an oration by Bro. John H.

Stiness, one of the Supreme Court judges of the State. The dedication of the Roger Williams Monument in Providence, on October 16, 1877, was under direction of the Grand Lodge, and was a very interesting and numerous attended occasion. The laying of the corner stone of the Burnside Memorial Hall at Bristol on September 25, 1883, was under charge of the Fraternity, and on the 1st of September, 1885, the Grand Lodge convened in Newport to place the foundation stone of the statue erected in honor of Oliver Hazard Perry, the distinguished commodore of the United States navy.

An event of still greater importance, at least to Masons in the State, was the dedication, on February 3, 1886, of Freemasons Hall, Providence. The old quarters of the Craft in the old city building in Market Square, and later, after 1853, in the hall provided in the What Cheer Building, had long been outgrown. In 1870 the subject of erecting a building was brought before the Grand Lodge by Grand Master Thomas A. Doyle, resulting in the passage by the Legislature of an act authorizing the Grand Lodge to build a temple in Providence. But the Fraternity was not yet ready for the important undertaking. In February, 1882, a committee took up the subject and made a report in favor of forming a company to purchase the Roger Williams Bank estate, adjoining the What Cheer Building, and reconstruct the building thereon. While this recommendation was not fully carried out, the Freemasons Hall Company was organized, a charter was granted, and on June 28, 1883, the company was formally organized and officers chosen: President, Darius B. Davis; vice-president, Nicholas Van Slyck; treasurer, Frederick M. Ballou; secretary, Edwin Baker, with an auditor and a board of fifteen directors; capital \$100,000, all paid in. After due consideration a lot was purchased on Dorrance, Pine, and Eddy streets, and there a beautiful temple was erected. The corner stone was laid by the Grand Lodge on June 7, 1884, with elaborate and imposing ceremonies, in which a great number of the Fraternity from all parts of the State took part, as well as a vast crowd of the general public, and on February 3, 1886, the completed building was dedicated to Masonic uses by Lyman Klapp, esq., M. W. Grand Master of Masons in Rhode Island. In this building all the Masonic societies in Providence save one were domiciled and continued in the occupation thereof until March 19, 1896, when a fire, supposed to have been the work of an incendiary, totally destroyed the buildings and its contents, among which were priceless relics, some of which had been in possession of the Fraternity more than a century and a quarter, the loss of which is irreparable—portraits, arms, Grand Lodge and other libraries, banners, etc., but no records were lost. After this disaster the societies met in Hodges Hall, on Weybosset Street, and the Freemasons Hall Company at once took measures to rebuild. Upon the completion of the new build-



ing which the company had erected on the site of that destroyed, the bodies at once entered it, and it is now their place of assembly. The first meeting in the new building was held May 2, 1898.

On June 24, 1887, a Festival Communication was held in Warren in connection with placing the foundation stone of the George Hail Free Library Building, and on September 24 of that year the Grand Lodge held a special Communication at Barrington and laid the corner stone of the new town hall. On August 10, 1888, the Grand Lodge laid the corner stone of a new town hall in East Providence, with the customary ceremonies. On September 23, 1889, the foundation stone of a Jewish synagogue, in Providence, was laid under direction of the Grand Lodge.

Upon the death of that distinguished citizen and Mason, Hon. Thomas A. Doyle, the funeral ceremonies were conducted by the Fraternity on June 14, 1886, and were made deeply impressive. Three years later, on the 3d of June, 1889, there was a great assemblage of people from all parts of the State, gathered into an imposing procession in the streets of Providence, to take part in the dedication of the grand and impressive monument to the memory of this eminent citizen.

All of these events, important as they were in various phases, were far overshadowed by the grand Centennial Celebration of the Rhode Island Grand Lodge held June 23 and 24, 1891.<sup>1</sup> The subject had been held under consideration during two years and had its formal beginning in the meeting of a committee on November 16, 1889, where the committee was organized by the choice of Past Grand Master Van Slyck as chairman, and Grand Secretary Edwin Baker as secretary. This committee submitted a report to the Grand Lodge favoring the proper celebration of the event, and the Grand Lodge ordered the committee continued with instructions to carry out the recommendations in their report. Another report was made to the Grand Lodge at its Annual Communication, May 19, 1890, suggesting the date as finally fixed, and suggesting also, an addition to the committee. The Grand Master subsequently appointed thirty-three additional members, one from each lodge, and seven members at large. This large committee was called together on January 28, 1891, in Freemasons Hall, Providence. Sub-committees on various features of the celebration were afterwards appointed. A plan of celebration was formulated as follows:

“June 23d, Evening. The Grand Master will give a reception to the ladies and brethren at Freemasons Hall, Providence. Promenade Music and Refreshments to be paid for from the General Fund. Admission by Card.

<sup>1</sup>For full history of this event see “*Freemasonry in Rhode Island*,” Part IV, pp. 604-716.

“June 24th, Morning. Grand Master Masons Procession in Lodge formation, escorting the Grand Lodge to some hall where the Literary Exercises will be held, consisting of an Oration, and Historical Sketch by Rev. Henry W. Rugg, a Poem and Music, followed by a Collation to be arranged for according to the convenience of the several Lodges.

“The committee are unanimous in their opinion that the clothing to be worn on parade should be black or dark clothes, black silk hat, white gloves and Apron.

“June 24th, Evening. Grand Lodge Banquet with speeches and music at some place to be hereafter chosen. The dinner will be paid for by the sale of tickets. First, to Grand Lodge members, and after to such brethren as desire.”

From this time forward all of the details of this interesting event were perfected and carried out in the most successful manner until the final incident was closed. A beautiful steel engraved invitation was sent out, with several bulletins of instructions. The formal reception to Grand Master George H. Kenyon was held in St. John's Hall, and in response to the 8,400 invitations to attend, over 4,000 acceptances were received.

At the opening of the Festival Communication on June 24, the Standing Committee on Credentials reported that there were present 282 members or their proxies, thirty-four lodges being represented. The literary exercises were held in Infantry Hall. The grand procession consisted of three divisions, in the first of which were 587 brethren; in the second, 1,025, and in the third, 74—a total of 1,686 brethren.

At Infantry Hall Grand Chaplain Rev. H. W. Rugg, D. D., opened the exercises with prayer, which was followed by an address of welcome by Grand Master Kenyon. After Dr. Rugg's masterly historical sketch had been read a Centennial Oration was delivered by Rev. Edwin C. Bolles, D. D. The banquet was very largely attended, and the succeeding toasts, under the direction of Toastmaster Nicholas Van Slyck, were productive of the utmost interest and good cheer. Altogether it was an event in Rhode Island Masonry the memory of which cannot be obliterated.

The lodge constituted next after What Cheer of Providence, was Eureka Lodge No. 22, Portsmouth, for which the dispensation was granted August 28, 1860. The charter was granted and dated February 25, 1861, and the lodge was duly constituted on the 24th of June following; it was incorporated in January, 1871. At the same time a new hall was dedicated. The first Master was George W. Cheevers, who held the office until 1864, when he was succeeded by Benjamin Tallman.

Charity Lodge No. 23, Hope Valley, was constituted November 9, 1866, under dispensation granted November 27, 1865, and a charter granted and dated May 21, 1866. The lodge was incorporated in January, 1869. The first Master was John F. Jencks. A new hall was fitted up and dedicated December 10, 1867. In February, 1878, a still more fitting hall was occupied in the second story of a new building erected by Bro. G. E. Greene.

Jenks Lodge No. 24, Central Falls, was constituted January 25, 1867, under dispensation granted May 1, 1866, and charter granted and dated November 19, 1866; it was incorporated in January, 1875. The petition for the dispensation bore the names of thirty-eight brethren. After five prosperous years of work in the Elm Street Masonic Temple, the lodge entered its new home on January 6, 1875. The first Master was Horace Daniels.

A dispensation for Hope Lodge No. 25, Wakefield, was granted January 21, 1867, and a charter was dated and granted May 20, 1867. The lodge was constituted November 20, 1867, and incorporated in January, 1871. The new hall secured for the lodge was dedicated March 14, 1872. This was burned and the lodge property lost on April 10, 1880. After occupying the hall of Columbia Lodge of Odd Fellows until October, 1881, a new hall was fitted up. In 1890 the lodge purchased the Odd Fellows Hall building, thus placing itself in possession of revenue producing property and securing a better home. John C. Hazard was the first Master of this lodge.

Granite Lodge No. 26, Harrisville, was organized under dispensation granted August 22, 1867. The charter was granted and dated May 18, 1868, and the lodge was publicly constituted January 28, 1870; it was incorporated in May 1873. The first Master was Andrew K. Ballou. Temporary quarters were occupied until January 28, 1870, when a new hall was appropriately dedicated.

A dispensation was granted on February 8, 1868, for Corinthian Lodge No. 27, Providence, and the charter was dated and granted May 18, 1868. The lodge was publicly constituted October 27, 1868, and incorporated in January, 1869. This prosperous lodge was formed partly as a means of reducing the large membership of the older Providence organizations, in order to effect a better condition of Masonic social intercourse and acquaintance. Fees were fixed at \$100 for the degrees and \$50 for membership. By-laws were adopted May 11, 1868. As soon as the new lodge was constituted the accumulation of a charity fund was begun, which has remained to the present time one of the prominent purposes of the lodge. Meetings were held in the committee room in Mason's Hall until November, 1874, when room No. 10, in What Cheer building, was leased and fitted up at a cost of about \$1,000. Here the lodge had its home until the occupation of Freemasons Hall. In July, 1883, the lodge



subscribed for twenty shares of stock in the Freemasons Hall Company. Under the revised by-laws, adopted in 1889, dues are no longer imposed upon the members. Henry C. Field was Master U. D., and was succeeded in 1869 by Clinton D. Sellew.

A dispensation for Ionic Lodge No. 28, Greene, was granted January 15, 1870, and the charter was granted and dated May 16, 1870. The lodge was constituted January 17, 1871. The petition for dispensation was signed by sixteen brethren of the western part of Kent county, nearly all of whom were members of Manchester Lodge. Commodious rooms were dedicated to the use of the lodge on September 28, 1886. Whipple V. Phillips was the first Master.

Barney Merry Lodge No. 29, Pawtucket, was constituted June 26, 1873, under dispensation granted July 29, 1872, and charter granted and dated May 19, 1873. The name was taken in honor of an early and prominent member of the Fraternity. The lodge was formed largely of former members of Union Lodge No. 10, which had a very large membership at that time. The first Master was Edwin Clapp, a member of the Rhode Island bar. This lodge imposes no dues on its members and is in every way a prosperous organization.

A dispensation was granted July 4, 1874, for Rising Sun Lodge No. 30, East Providence, and the charter was granted and dated May 17, 1875. The lodge was duly constituted July 3, 1875, and incorporated in January, 1876. The dispensation asked that Bro. George N. Bliss should be appointed the first Master. The lodge has always held its meetings in Freemasons Hall, where it has a well-furnished home, and steady prosperity has attended its work.

Atlantic Lodge No. 31, New Shoreham, was organized under dispensation granted November 30, 1875; the charter was dated and granted May 15, 1876, and the lodge was publicly constituted August 9, 1876; it was incorporated in January, 1894. The first Master was John W. Hooper, who held the office until 1879. The petition for dispensation bore twenty-four signatures. The hall of Neptune Lodge, I. O. O. F., was occupied by the new lodge until 1890. On the 26th of August, of that year, a hall in a building erected for Masonic uses was dedicated. Considering its somewhat isolated situation the lodge has had a fair degree of prosperity.

On January 27, 1876, a dispensation was granted for Roger Williams Lodge No. 32, at Centerdale. A charter was granted and dated May 15, 1876, and the lodge was duly constituted May 27, 1876. Thomas Wilmarth was the first Master. The lodge is prosperous and zealous in its Masonic work.

In 1876 another lodge was added to the number in existence in Providence. A dispensation was granted February 5, of that year, for Adelphoi Lodge No. 33, for which a charter was granted and dated May 15, 1876. The new lodge was publicly constituted June 12,

1876. This organization has received among its members and friends the designation, a "family lodge", in which the members endeavored to more firmly bind the social ties than was possible in a lodge of very large membership. There were eighteen members at the time of organization, a number which has increased to about fifty. The first Master was Stillman White, who was succeeded in 1879 by Henry A. Chace.

Unity Lodge No. 34, Lonsdale, was constituted under dispensation granted February 16, 1878, and a charter granted and dated May 20, 1878; it was publicly constituted June 15, of the same year. Nathaniel B. Kerr was the first Master. Freemasonry seems to have not received a high degree of favor in the vicinity of Lonsdale until a comparatively recent period. In 1864 there were, as far as known, only two members of the Order in Lonsdale; but between that date and 1878 there was a decided change in this respect, about forty persons having become members during that period. The formation of the Lonsdale Masonic Relief Association led to the organization of a new lodge. The Association for a time occupied rooms in a building formerly used for a school house. The work of the Association was most commendable, but it was discontinued in 1877 and a similar organization was established at Valley Falls, which is still in active existence. The Lonsdale brethren continued to meet, and finally, at a gathering on February 9, 1878, a board of officers was nominated and steps taken to form a lodge. Forty-two Masons signed the petition for dispensation. Soon after its organization the family gatherings, for which the lodge is locally famous, were instituted and have been continued with great interest and profit. In all phases of Masonic work this lodge has been and is most prosperous.

In 1878 lodges received another accession in Redwood Lodge No. 35, Providence, for which a dispensation was granted February 22, of that year. The charter was granted and dated May 20, 1878, and the lodge was publicly constituted on June 10 following; it was incorporated in January, 1881. Redwood Lodge was the outgrowth of a desire felt by Israelitish Masons in the city for an organization consisting largely of members of that faith. The Grand Lodge voted that Redwood Lodge should have concurrent jurisdiction with St. John's Lodge No. 1, Mount Vernon Lodge No. 4, What Cheer Lodge No. 21, Corinthian Lodge No. 27, and Adelphoi Lodge No. 33 in Providence, and Rising Sun Lodge in East Providence. Myer Noot was the first Master.

Still another was added to the list of Providence lodges by the constitution, on May 12, 1880, of Orpheus Lodge No. 36, under dispensation granted April 28, 1879, and a charter granted and dated May 19, 1879. The lodge was incorporated in May, 1892. This is the so-called "musical lodge" of the city, as might be inferred from its appropriate name. During the years of its existence it has supplied

most of the vocal music of the Grand Lodge of the State on many occasions. The lodge is the outgrowth of a musical society of the city composed of five young men who met together in the winter of 1860-61 for mutual improvement. They were George B. Chace (pianist and director), Thomas P. Fenner, Herman Decker, Eli Smith, and Edwin Baker. Their success and enjoyment were such that the work was renewed in the next winter on a larger scale, and on November 13, 1861, the Orpheus Club was formed with seventeen members. The first and only president was Edwin Baker. The number of members increased and the club soon occupied a high position in musical circles. Concerts, soirees and other entertainments followed from year to year, and the club was called upon to sing at many public meetings and ceremonies. After 1869 the character of the club gradually changed although it sang occasionally on important public occasions. In November, 1872, the by-laws were so changed that only Master Masons in good standing could thereafter be admitted to membership; at the same time the non-Masonic members resigned, and thus the path was opened for the formation of a Masonic lodge. William Russell Greene was the first Master under the charter. The lodge membership has been kept small and great care has been exercised in admission of new members. Since it was constituted the lodge has sung on several important public occasions, among them the laying of the corner stone of the town hall in Warren, laying the corner stone of Masonic Hall, Block Island, laying the corner stone of East Providence town hall, etc.

A dispensation was granted on March 4, 1880, for Nestell Lodge No. 37, Providence, the last lodge constituted in the city. The charter was granted and dated May 17, 1880, and the lodge was duly constituted September 30, 1880; it was incorporated in May, 1881. The early membership of this lodge were either affiliated with, or held membership in, other jurisdictions than Rhode Island and covering a very wide extent of territory. Most of them were not conversant with the work of Freemasonry and knew little of Rhode Island practice in the Order. For this reason the formation of the lodge was long under discussion before practical results were obtained. The first meeting under authority was held in Scottish Rite Hall, on March 8, 1880, where Rt. Wor. Edwin Baker read the dispensation and organization was effected; Joseph Baker was chosen Master. From that time to the present the lodge has gone forward in a prosperous career.

Doric Lodge No. 38, Auburn, was the next lodge constituted in Rhode Island. A dispensation was granted April 29, 1891, and the charter was granted and dated May 18, 1891; the lodge was duly constituted December 16, 1891. Many of the members of this lodge were formerly members of Harmony Lodge No. 9, Pawtuxet, and the good will of the old lodge was shown by its presentation of a set of Great Lights to the



new organization at the time of its constitution. Linus A. Webster was the first Master of Doric Lodge.

Saint Andrew's Lodge, No. 39, Riverside, is the last lodge chartered by the Grand Lodge of Rhode Island. The dispensation was dated November 21, 1894, the charter was granted May, 1895, and the constitution of the lodge occurred May 30, 1895. James G. Whitehouse was the first Master. Located in a rapidly increasing community, this lodge seems destined to become strong and prosperous.

*Capitular Masonry.*—This title originated in America and designates the degrees conferred by a Chapter of Royal Arch Masons. Four such degrees are recognized, viz.: Mark, Past, Most Excellent Master, and the Royal Arch. It is not clear how the term, Royal Arch, originated, but it is believed that Royal Arch Masonry is an evolution of the English system. The title was used there as early as 1756, and it probably had its origin some years earlier than that. What is positively known is, that the Royal Arch degree was made distinctive in form and ceremony about the middle of the eighteenth century, and was then authoritatively conferred as being the explanation or complement of the Third Degree. In 1813, when the two rival Grand Lodges came together and the two systems were merged in one, the United Grand Lodge issued a declaration defining Ancient Craft Masonry to consist of three degrees, "including the Holy Royal Arch".<sup>1</sup> The opinion has been expressed by William James Hughan, the distinguished English writer on Masonic subjects, that the records of Fredericksburg Lodge, Virginia, contain evidence of the earliest known conferring of the Royal Arch degree in the world; the entry in the book is under date of December 22, 1753. The Grand Lodge of Pennsylvania, in 1795, gave permission for the formation of a Grand Chapter in that State. Previous to that date, from about the middle of the century until after the close of the Revolutionary War, lodges in Philadelphia, as well as elsewhere, had occasionally conferred the Royal Arch degree. St. Andrew's Lodge, Boston, conferred the degree as early as 1762, and a chapter was formed there in 1768. There is evidence that the brethren in Providence and Newport cultivated the Royal Arch degree in the early years of Masonry in this State, including to some extent other degrees held to be preparatory to that grade, and without other authorization than their lodge warrant. In those days the Royal Arch ceremony probably presented many features of the present system; but the degrees preparatory thereto—Mark Master, Past Master, Most Excellent Master—were either unknown or were set forth in quite different rendering from the modern method. There is evidence of many and important changes in methods and ritual following the visits of Thomas Smith

<sup>1</sup>"Freemasonry in Rhode Island," Rugg, p. 173.

Webb to Boston in the closing years of that century. The records of Providence Chapter, however, establish the fact that the three preparatory degrees mentioned above were conferred by that body at the time of its formation in 1793. Washington Chapter, of New York, claimed to be the Mother Chapter, and issued charters to the early subordinate bodies. To that chapter certain members of St. John's Lodge, Providence, who were in possession of, and who had associated for the cultivation of the Royal Arch degree, made a request for a charter. Bro. Daniel Stillwell went to New York as representative of the lodge, and made his report on the evening of October 5, 1793, when he "presented a Dispensation from the Washington Chapter of Royal Arch Masons, in New York, empowering him, with Brethren Thomas W. Moore, John Warner, Jonathan Donnison, Jacob Smith, and others of the Sublime Degree here, to convene a Chapter of the Royal Arch Masons, under the style of 'The Providence Royal Arch Chapter' ". So reads the record. The date of the warrant was September 3, 1793, but the chapter was not formally constituted until November 23, when Rt. Wor. Moses Seixas, 45th deg., of Newport, Peleg Clarke, and Thomas W. Moore, all craftsmen of very high standing, assisted in the interesting ceremonies. There were then admitted to the chapter Jeremiah F. Jenkins, Samuel Snow, John Carlile, 2d, Bennett Wheeler, William Wilkinson, William Magee, Gershom Jones, Ephraim Bowen, jr., Caleb Ormsbee. Samuel Eddy, who held the office of secretary of state twenty-one successive years, and Rev. Abraham L. Clarke, rector of St. John's church, Providence, from 1792 to 1800, were admitted to the chapter in its early years. A code of by-laws was adopted January 9, 1794, which, among other regulations, fixed the fee for the three preparatory degrees at \$8, and for the Royal Arch degree, \$14. The chapter was represented at the Convocation in Hartford, Conn., January 24, 1798, where a Grand Body was created to have jurisdiction over New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, and New York, with the title of "Grand Royal Arch Chapter of the Northern States of America". Providence Chapter approved of the action of this Convocation, and measures were adopted to establish a "Deputy Grand Chapter" for the Rhode Island jurisdiction. Such a body was established March 12, 1798, and in the next year was merged in the organization known as the Grand Chapter of Rhode Island, now in existence. Of this body Moses Seixas was the first Grand High Priest, and was succeeded in 1804 by Thomas Smith Webb, who remained at the head eleven years. In January, 1799, the General Grand Chapter convened in Providence, where it received marked courtesies from the brethren of Providence Chapter. Thomas Smith Webb was the most influential and active force at this Convoca-

tion. A revision of the constitution was adopted, in which the lines between lodges and chapters were more clearly defined, with other needed legislation. Upon the adoption of this constitution officers were elected for terms of seven years. Thomas Smith Webb was elected General Grand Scribe, and Rev. Abraham L. Clarke, General Grand Chaplain. Mr. Webb was elected, also, to the office of High Priest of Providence Chapter, February 10, 1801, and served until November, 1802, when he declined longer service and was succeeded by John Carlile.

Providence Chapter was from the beginning a flourishing body, steadily growing in numbers and influence. It was not long before Royal Arch Masons in Newport, Bristol, Warren, Pawtucket, and at other points in the State were desirous of organizing in Capitular Masonry. On September 18, 1806, a petition was granted by the Grand Chapter to Newport petitioners for a chapter to be called Hiram's Chapter No. 2. This was duly constituted shortly after, but under the title, Newport Chapter. Measures were adopted soon after this date to perfect organizations in Warren, Bristol, and Gloucester. Authority was granted in 1806 to form a Mark Masters Lodge No. 1 in Bristol, and the dispensation continued in force a number of years, being represented in meetings of the Grand Chapter and making returns thereto until a little time before the beginning of the anti-Masonic crusade. About 1825 this Mark Masters Lodge was merged in Hope Chapter, which, after remaining some time in a dormant state, was formally reorganized and chartered February 18, 1869, as Hope Chapter No. 6. An address was delivered by Rev. Companion Sidney Dean, and a poem was read from the pen of Rev. Companion Mark Trafton, who was unable to be present. In 1807 a dispensation was issued for a Mark Masters Lodge in Gloucester, but no permanent organization was effected.

Temple Chapter, Warren, was organized soon after the date of constituting the Newport Chapter, but it worked under dispensation several years. Its charter was granted by the Grand Chapter, March 18, 1817, and it was constituted June 23 of that year. The service was conducted by Grand High Priest John Carlile and was open to the public. This chapter is numbered 3 on the registry.

In 1816 a dispensation was granted to "sundry brethren in Pawtucket", authorizing their organization into a Mark Masters Lodge, and two years later, on July 30, 1819, a dispensation was granted to Pawtucket Royal Arch Chapter, in which the first named organization was merged. Pawtucket Chapter No. 4 was duly constituted on May 24, 1820, the procession gathering "in Rev. Mr. Blake's Meeting House, where an excellent Masonick Discourse was delivered by Rev. Chaplain Bates"; after the services were concluded the assemblage



marched "to Nelson's Hotel, at which place they partook of an excellent dinner prepared for the occasion".<sup>1</sup>

A Mark Masters Lodge was established in Cumberland in 1824, regarding which the following appears in the record book, under date of June 15, 1825:

"Agreeably to a vote passed at the annual meeting a Dispensation has been executed & delivered to sundry Brethren of Cumberland bearing date March 27, A. L. 5824, empowering them to open a Mark Master's Lodge in that place by the name or title of Cumberland Mark Master's Lodge No. 2; whereof Br. James Whipple to officiate as first Master, Br. Jeremiah Whipple, as first S. Warden, and Br. Joseph Whipple, 3d, as first J. Warden, until our next annual meeting; for which Dispensation received of Brother Jeremiah Whipple by Note on interest, the usual fee of 20 Dollars."

Partly, at least, owing to the outbreak of anti-Masonry at this time, this Cumberland organization maintained a nominal existence a few years, but was forced to discontinue under the oncoming discouraging conditions.

Throughout the trying period of anti-Masonry the chapter in Rhode Island, as a whole, suffered equally with the lodge. Membership decreased, resources declined, and almost no work was done for twenty years. Providence Chapter held its meetings with considerable frequency, and a few other bodies occasionally came together; but there was a serious decline in Royal Arch Masonry, as in other departments of the Order. Providence Chapter supplied the legislative committee who made the investigation before described with the forms of obligation belonging to the Capitular ritual; this was done in 1832 and the action reported to the Grand Chapter.

In 1840, when Masonry was rapidly reviving, the Annual Convocation of the Grand Chapter appointed a committee "to make enquiry into the standing of all Mark Lodges and Chapters under this jurisdiction which have not of late been represented in this Grand Chapter"; but it was not until five years later that the delinquent bodies were communicated with in a direct attempt to secure their reorganization. Several of the bodies then came again into active life, largely through the energy of Companion William Field, who was then Grand High Priest. On May 7, 1846, a Special Convocation was held by the Grand Chapter in Newport, when the officers of Newport Chapter were installed in their several stations of office, under direction of the Grand High Priest, and Newport Chapter "was restored to all its rights and privileges". Only this and Providence Chapters were represented at the meeting of the Grand Chapter in 1847. At that session, beginning on June 8, action was taken relative to the

<sup>1</sup>From records of Pawtucket Chapter.

question of Councils of Royal and Select Masters coming under the rule of State Grand Chapters. The following vote was taken:

"Voted, Unanimously, That this Grand R. A. Chapter Approve of the connection of Providence Royal Arch Chapter & Providence Council of Royal & Select Masters".

In the years following 1850 Capitular Masonry enjoyed brighter prospects, and at the Annual Convocation of Grand Chapter, held in Providence March 11, 1851, four chapters were represented, each of which reported renewed activity among its members.

At the Semi-Annual Convocation of the Grand Chapter, held in What Cheer Building, Providence, September 8, 1857, a petition was presented from fifteen companions, asking for authority to form a chapter in Woonsocket, to be designated Union Royal Arch Chapter No. 5. Companion Samuel Greene was recommended in the petition for the office of High Priest; Companion George I. Wardwell for King, and Companion Peter Place for Scribe. A dispensation was accordingly issued to the brethren, and on March 9, 1858, a charter was granted and the new chapter was duly constituted and the officers installed.

From this time Royal Arch Masonry in this State has had a steady growth. The constitution of Hope Chapter No. 6, Bristol, has already been noticed in connection with its absorption of Mark Masters Lodge of that place. On September 20, 1869, Franklin Chapter No. 7, of Hope Valley, was constituted. An address was delivered by Rev. Companion Samuel P. Kelley, and Grand High Priest Thomas A. Doyle presided, as he did also at Bristol.

Situate Chapter No. 8, located at Clayville, was constituted September 28, 1869, on which occasion the address was delivered by R. E. Companion Rev. Henry W. Rugg. This event was followed by the granting of a dispensation, dated March 15, 1869, to certain companions of Portsmouth, authorizing the formation of Aquidneck Chapter. This was done and a charter was granted at the Annual Convocation of the Grand Chapter, March 8, 1870. Aquidneck Chapter No. 9 was duly constituted by Grand High Priest Doyle on November 22, 1870.

The last chapter to be formed in this State is Landmark Chapter No. 10, of Phenix, which was duly constituted October 11, 1871. These ten chapters of Rhode Island Capitular Masonry now have a total membership of 2,647, according to the report of 1900, of which number the membership of Providence Chapter is 1,177.

An official act which distinguished the administration of Grand High Priest Doyle demands brief attention. He assumed that in exercise of his authority conferred by his high office, he had the right to exalt a brother at sight, thus claiming a prerogative similar to that of the Grand Master of Masons to make a Mason at sight. This action

was criticised, and the matter came before the Grand Chapter in a proposition to so amend the constitution that the question would thenceforward be clearly defined. A committee was appointed, who reported March 8, 1870, against the position taken by Grand High Priest Doyle, but no amendment to that effect was made to the constitution.

“Capitular Masonry in Rhode Island now holds a distinctive position as regards organization. It does not regard itself as a constituent of the General Grand Chapter, although this last named body affirms that the former connection is not altogether severed. Providence Chapter, as already stated, was one of nine chapters of Royal Arch Masons which, in 1798, laid the foundation of a General Grand Chapter; and when on March 12, 1799, a constitution was adopted for the Grand Chapter of Rhode Island, it was stated in the preamble of said constitution that this Grand Chapter ‘is organized agreeably to the Second Article of the Constitution of the General Grand Chapter’—the General Body then asserting authority over the ‘Northern States of America’, but after a few years broadening its rule and taking the title ‘General Grand Chapter of the United States’, etc., as since held. In the early period the relations between the Grand Chapter and the General Grand Chapter were close and cordial; and they so continued until the time of the Civil War. Rhode Island was represented in the Convocation of the General Grand Chapter held at Chicago, September, 1859, when important amendments were incorporated into the constitution. The war broke out, preventing any attempt to hold the Triennial Convocation of the General Grand Chapter in 1862. Three years later such a Convocation was held at Columbus, Ohio, since which time there has been no interruption in meetings or an orderly course of administration on the part of the General Grand Chapter. Rhode Island has not participated in such meetings, however, nor regarded itself as a constitutional member. Grand High Priest Doyle convened the Grand Chapter of Rhode Island in a Special Convocation, at Providence, August 15, 1865, and gave expression to his view that, by its failure to meet in 1862, the General Grand Chapter had practically ceased its existence, and there was no good reason why the Grand Chapter of Rhode Island should assist in or consent to its reorganization. The following resolution was passed:

“*Resolved*, That in the judgment of this Grand Chapter, the late General Grand Chapter of the United States dates its decline and complete dissolution from its meeting in Chicago, in 1859, and that neither the prosperity or utility of Royal Arch Masonry require that it should be resuscitated’.

“Since the date named Royal Arch Masonry in Rhode Island has maintained a strictly independent position”<sup>1</sup>

<sup>1</sup>“*Freemasonry in R. I.*”, Rugg, pp. 196-7.



March, 1898, the Grand Chapter of Rhode Island voluntarily retired from its independent position, and by its own vote enrolled itself a constituent of the General Grand Chapter.

*Cryptic Masonry.*—This term, in the modern classification of the Masonic system, includes the degrees of Royal, Select, and Super-Excellent Master. "The last named degree, however, has no close relation with the others, and in a strict limitation of the word would not be designated by the name Cryptic".<sup>1</sup> The root meaning of the word is subterranean, and Cryptic Masonry, technically, is the Masonry of the Secret Vault, and as an important adjunct it is connected with the degree of the Holy Arch.

According to the best authorities it is impossible to determine just when and where Cryptic Masonry first took its rise; its early history is fragmentary and uncertain. Bro. W. J. Hughan, whose authority has already been quoted, expressed the opinion that it was known in England about the middle of the eighteenth century, but not at all in its later perfection, and that it was given little consideration. He frankly admits that Cryptic Masonry, as now understood, is an American production. He says, "Whatever may have been the origin of the Council degrees or from whatever source they may have emanated, in their propagation and diffusion they are strictly American". He believed that the degrees down to about the beginning of the last century were detached and not united in a system, and were not conferred by any authority that was generally recognized. In some parts of the country the degree of Royal Master was recognized, while in others the more important degree of Select Master was known to a few brethren. It was not, however, until 1818 that organizations were created for conferring both of these degrees, and still later before the degree of Super-Excellent Master was included. It seems to be well settled that the Cryptic degrees were early disseminated and the system promoted through the influence and efforts of the Scottish Rite bodies, noticed further on; but some good authorities claim descent from the "Ancient York Rite", the mother of all speculative Masonry, one writer stating that "our birth was that of an independent organization with no fealty or other incident of servitude to any foreign body."<sup>2</sup> These points are likely to remain in dispute. Credit is given to Jeremy L. Cross, who was made a Royal Arch Mason in Champlain Chapter No. 2, at St. Albans, Vt., on July 11, 1815, for extending and adapting the Cryptic degrees for Masonic uses. In 1816 Mr. Cross was in Providence, where he perfected himself in knowledge of the Royal Arch system, and for some time lectured in Masonic lodges in this and other jurisdictions. He became interested in Cryptic Masonry, and while in Baltimore (probably in 1816), re-

<sup>1</sup>"*Freemasonry in R. I.*", Rugg, p. 200.

From paper on Cryptic Masonry, by Br. — Warvelle.

ceived the degree of Select Master. Learning soon afterward that a "Grand Council of Select Masters" in New York was granting charters to subordinate bodies, he asked for authority to establish councils and grant warrants, which was granted him in 1817. Two years later, he having meanwhile received the degree of Royal Master, he was given broader powers, and on the 29th of September, 1819, acting under authority of the "Grand Council of Royal and Select Masters", of Maryland, he gave a charter, "without expense", to Providence Council of Royal and Select Masters, which was the first organization of Cryptic Masons in Rhode Island. There appear upon the charter the names of thirty-eight persons, many of whom were prominent craftsmen.

The first steps were taken towards forming this organization at a meeting held March 28, 1818, and at an adjourned meeting, May 19, 1818, it was voted that "the degree of Select Master be attached to this Council". This first council was prosperous until the anti-Masonic excitement began, but was dormant during that period. Reviving in 1841, the council has since that date maintained its existence with well-deserved success.

The charter issued by Cross to this council was recognized up to the time of the organization of the Grand Council of Rhode Island in 1869, and the council stood aloof from any governing powers outside of itself.

This State was at one period open territory in respect to council organizations; thus, in 1847, Pawtucket Council was established by sanction of the Grand Council of Massachusetts; and in 1860, Webb Council, of Warren, was chartered by the Connecticut Grand Council. In 1849 the Supreme Council of the Northern Jurisdiction, Scottish Rite, authorized the establishment of a Lodge of Perfection in Newport, and sanctioned the conferring of degrees now included in Cryptic Masonry by a Council of "Select Masons of 27", organized as within said lodge. This body flourished for a time in a semi-detached relation to other bodies organized on a different basis; but as no return of work done was made to the Supreme Council, the fact of its existence was not known to officers of that body until 1870; the Grand Commander in that year suspended its authority, and it was fully revoked at the next session of the Supreme Council.<sup>1</sup> The organization then came into line with the other subordinate councils of Rhode Island and accepted a charter as De Blois Council, which is still in existence as one of the five in the State.

The Grand Council of Rhode Island was organized on October 30, 1860, when the number of Cryptic Masons in the State was less than three hundred. A convention was called at the request of interested brethren, which met in Masons' Hall, Providence, March 9, 1860, three

<sup>1</sup>*History of Cryptic Rite*, J. Ross Robertson, 1888.

of the four councils then existing being represented, the exception being De Blois Council, Newport. An invitation to that body to attend was courteously declined. After several sessions it was decided to form the Grand Council, and October 30 was fixed upon as the date for public recognition of the new organization. Prominent craftsmen from Massachusetts and Connecticut were invited to attend the service of installation of officers, in which Ill. Companion E. P. Moore, Grand Master of the Grand Council of Massachusetts, and Ill. Companion H. B. Ensign, Grand Master of the Grand Council of Connecticut, took leading parts. Rev. Chaplain Sidney Dean officiated as Grand Chaplain. The following companions were installed grand officers: Ill. Companion James Salsbury, M. P. Grand Master; Ill. Companion Charles H. Titus, D. P. Grand Master; Ill. Companion Samuel Lewis, T. I. Grand Master; Ill. Companion Henry F. Smith, G. P. C. W. Companion Bela P. Clapp, Grand Treasurer; Companion John F. Driscoll, Grand Recorder; Companion Edwin Howland, G. C. G.; Companion Rev. Sidney Dean, G. C.; Companion Christian M. Nestell, G. S.; Companion E. B. White, G. G.

By vote of this Grand Council the local councils of the State were requested to accept its charters and come under its jurisdiction, which they did. Besides those councils already noticed, Woonsocket Council No. 4 was organized April 8, 1868, making the five now in existence. The successors of Mr. Salsbury as Grand Master have been James H. Armington, Charles R. Cutler, Stillman White, Albert H. Cushman, John F. Adams, Amos A. Pevey, Edwin Baker, Rev. William N. Ackley, Osmond H. Briggs, Horace K. Blanchard, William J. Huntington, Arthur H. Armington, Albert L. Anthony, Isaac Gill, George W. Pettis, Horace S. Richardson, Enos A. Clark, Charles B. Manchester, Eugene Stevens, William L. Chatterton, S. Penrose Williams.

*Knights Templar.*—This part of the Masonic system comprises three degrees, or Orders,—Knight of the Red Cross, Knight Templar, and Knight of Malta. Although this system is usually designated as Masonic, there is question whether the appellation, when strictly defined, is rightfully applicable. But the Order is and has been for a century in close sympathy and touch with the old Masonic system, and its first degree is essentially Masonic in character. The ground-work of this degree is the legend relating to seeking and finding help to rebuild the Temple, and has a well-defined resemblance to the sixteenth degree of the Ancient and Accepted Rite. While the Red Cross ceremony is looked upon by some authorities as having no real and rightful connection with the Templar Order, others take and uphold an opposite view; in either case, the Red Cross Order has an abiding place in the organization that now gives it recognition and constitutes an honorable grade in the system of American Templary.

American Templary takes its distinctive character from the two



Orders of Christian Knighthood—Knight Templar and Knight of Malta—and its rank, prestige, and influence are closely interwoven with the Order of Knights Templar of the Middle Ages. That Order was a military Brotherhood formed for the protection of Christian pilgrims in Palestine; it consisted of nine brethren, who at first took the name of "Poor Fellow Soldiers of Jesus Christ", but when, in 1118, they were given an establishment near the supposed site of Solomon's Temple, they acquired the title of "Knights of the Temple". The question as to whether the Ancient Order survived all persecution, maintained an existence in France and England, to become the source and authority of Templar organizations of comparatively modern times, need not be discussed here. There is, however, no unimpeachable authority to justify such a conclusion. The Masonic Templarism of the eighteenth and nineteenth centuries may claim to be identified with the Ancient Order by traditions, lessons and legends, and by the likeness of faith which is in many respects discernible. "There is a flavor of the old heroic spirit in modern Templary that could not well be spared; and there are reminders of pilgrims and warriors of crusading times, which brighten the pages of the Templar ritual as it is now learned and taught. But to claim more than this, . . . seems alike unnecessary and unwise".<sup>1</sup>

In Great Britain, as in America, the first recognition of the grade of Knight Templar was by lodges, or chapters working under lodge warrants. In the old certificates and other documents is found the expression, "Royal Arch Templar", showing how the degree was regarded and worked. St. Andrew's Royal Arch Lodge, of Boston, held its first meeting August 28, 1769, as shown by the records, where William Davis received "the four steps, that of Excellent, Super-Excellent, Royal Arch, and Knight Templar". According to Bro. William J. Hughan, "this minute contains the earliest known reference in the world to the degree of a Masonic Knight Templar". A few years later the degree of Knight Templar was conferred in Scotland, Ireland and England. Subsequently the old rule permitting three Knights Templar from three distinct bodies to meet and transact business, was taken to justify the creation of temporary organizations for the purpose of conferring the degree or degrees on a number of candidates, after which this temporary body ceased to act. Thus there were Knights of the Red Cross and Knights Templar in Boston, Providence, Hartford, New York, Philadelphia, Baltimore, and elsewhere, previous to the establishment of Templary as an independent institution. Maryland Commandery No. 1, of Baltimore, dates from 1790, if its claims are accepted. South Carolina Encampment is supposed to have been formed in 1780. Knights Templar marched in Masonic processions in New York as early as 1785, and the "Old Encamp-

<sup>1</sup>*Freemasonry in R. I.*, p. 224.

ment", or "Morton's Encampment", is believed to have been in existence several years before the close of that century; it disappeared in 1810. There were other Templar organizations in New York city and elsewhere about that period, among which was Temple Encampment No. 2, Albany, supposed to have been instituted in 1796; its early records are lost.

A Grand Encampment was formed in 1797, in which were recognized four Templar bodies, viz.: Philadelphia No. 1, Philadelphia No. 2, Harrisburg No. 3, and Carlisle No. 4. The life of this Grand Encampment was short, and the four encampments named went out of existence after 1824, although St. John's Commandery No. 4, Philadelphia, which succeeded Encampment No. 1, may be regarded as in some sense identifying the early organization with the present institution of Templary.

Masonic Templary was recognized in Connecticut in 1796, when an encampment was formed at Colchester. In the jurisdiction of Massachusetts and Rhode Island, where the Orders of Knighthood had been conferred from 1769, when St. Andrew's Chapter had sanctioned such acts, there were occasional attempts at independent organization. In 1795 there was an unconstituted association of Knights at Newburyport, Mass. In Boston a council of the Knights of the Red Cross was organized March 12, 1802, which four years later merged in Boston Encampment, still in existence.

On March 3, 1806, a charter was granted to Boston Encampment by the Grand Encampment, which had been formed in Providence in May, 1805, under the title of the "Grand Encampment of Rhode Island and jurisdiction thereunto belonging". But going a little back of this date, it must be recorded that St. John's Encampment, of Providence, was formed as a body of Knights Templar, on August 23, 1802; and it was this body that influenced the creation of the Grand Encampment just mentioned, and indirectly had much to do with the establishment of the present Grand Encampment of the United States. There were in Providence Knights Templar previous to the organization of St. John's Encampment, and they had been recognized as such by Masonic brethren, and had marched in Masonic processions; they carried the Templar standard on January 7, 1800, in the demonstration in honor of Washington. John Warner, one of the founders of St. John's Encampment, held a Templar diploma dated April 28, 1793. The first regular meeting of St. John's Encampment was held August 23, 1802, in Mason's Hall. There were present Sir Thomas S. Webb, Sir Jeremiah F. Jenkins, Sir Samuel Snow, Sir Daniel Stillwell, Sir John Warner, and Sir Nicholas Hoppin. The officers then elected were Sir Thomas S. Webb, Grand Master; Sir Jeremiah F. Jenkins, Generalissimo; Sir Thomas Snow, Captain-General; Sir Daniel Stillwell, Standard Bearer; Sir John Warner, Sword Bearer; Sir Nicholas

Hoppin, Guard. A code of by-laws was reported September 13, 1802, by a committee to whom the task had been assigned. These provided, among other regulations, that members should provide themselves with uniforms of "black coat, vest, breeches and stockings, or pantaloons, sash, half boots, apron, poniard, cocked hat, and hanger"; for a deficiency in these articles at any regular meeting a member was fined twenty-five cents. Fees were established of \$25 for "promotion to the several Orders of Knights of the Red Cross, Knights Templar and Knights of Malta"; for "admission as a member, if not promoted in this Encampment, ten dollars". Thomas Smith Webb held the office of Grand Master until the charter was obtained in 1805. It is believed that Webb took the higher orders and degrees in Boston, or that possibly he received the orders of Knight Templar and Knight of Malta in the Old Encampment in New York city in 1796; in any case his active Templar life found its first expression in the founding of St. John's Encampment, to which he contributed the more complete ceremony and ritual which aided so much in bringing it into prominence. His was the mind which elaborated the system of American Templary, brought it into a form of order and beauty, and thus won the honor of the foremost place among the Templar, as well as the distinctively Masonic ritualists of this country.

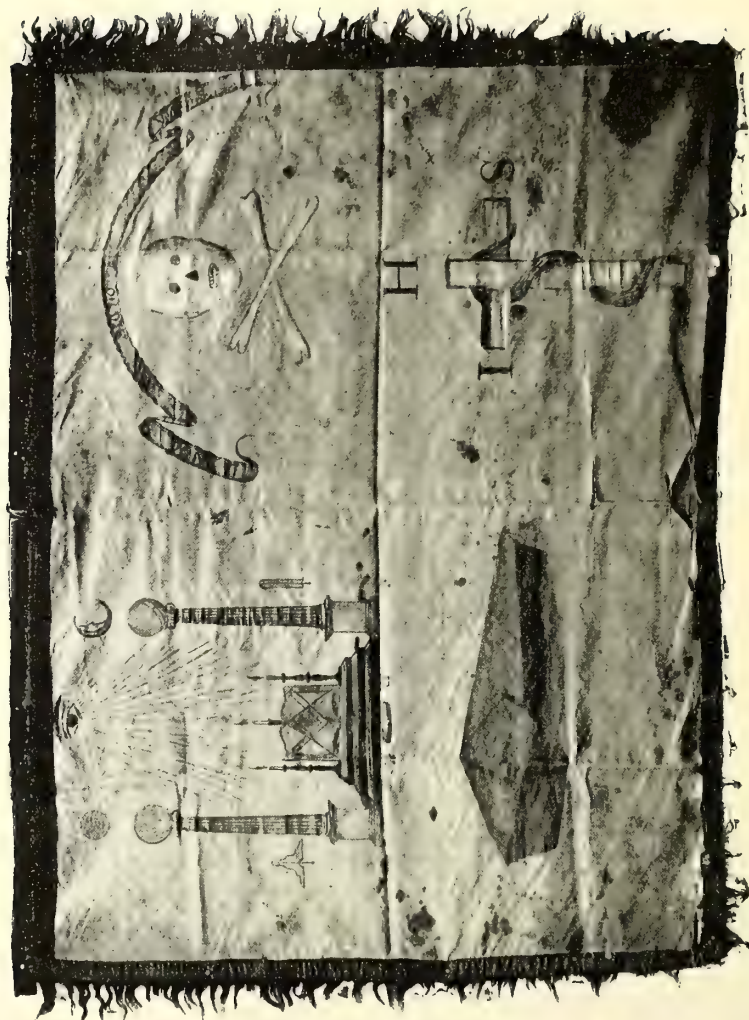
St. John's Commandery (which was an Encampment until the recent change in that title) has had no interregnum from the date of its formation, and it has complete records from 1802. It claims seniority, not as the first body organized in the country to confer the Orders of Knighthood, but as the *first permanent Templar* organization, and with an unbroken career of almost a century. In its early membership were many ministers of the gospel. Rev. Barnabas Bates was knighted in 1817; he was pastor of the Baptist church in Bristol. Rev. Luther Wright, of Barrington, was knighted in April, 1818; Rev. George Taft, D. D., then late rector of the Episcopal church in Pawtucket, in April, 1821; Rev. Alexander V. Griswold, D. D., bishop of the Diocese of Rhode Island; the Rev. Edward T. Taylor, for many years known as Father Taylor, the Sailor Preacher, and others.<sup>1</sup>

During the anti-Masonic excitement the commandery admitted no members, but officers were elected each year, and when the trouble

<sup>1</sup>The Commandery has in its possession the first Templar banner ever displayed in this country. It is of white silk about 24 x 30 inches, and on it are painted several emblems of the Order and of the Masonic degrees upon which the Order of the Temple is founded.

This banner was carried in a procession which moved through the streets of Providence on the 9th day of January, 1800, the occasion being the obsequies of Gen. George Washington, and this banner, and the fact that members of the Order took part in the procession is mentioned in the newspapers of the day. This took place nearly two years prior to the organization of the Commandery, and the attendance of members of the Order residing in and about Providence was requested by advertisement. The meeting of these men thus called together was the first step towards the establishment of the Commandery.





BANNER CARRIED IN THE PROCESSION AT PROVIDENCE ON JANUARY 9, 1800,  
ON THE OCCASION OF THE OBSEQUIES OF GEN. GEORGE WASHINGTON.

began to wane, work was resumed. New by-laws were adopted in 1842, and a revision was made in 1859, and again in 1875; the present rules of government were adopted in 1900.

The Grand Encampment, before mentioned, was organized in Providence, May 13, 1805, and the following first officers were elected: Sir Thomas S. Webb, of Providence, Grand Master; Sir Henry Fowle, of Boston, Generalissimo; Sir Jonathan Gage, of Neyburyport, Captain-General; Sir John Carlile, of Providence, Senior Grand Warden; Sir Nathan Fisher, of Providence, Junior Grand Warden; Sir John Davis, of Providence, Grand Sword Bearer; Sir William Wilkinson, of Providence, Grand Standard Bearer; Sir William F. Megee, of Providence, Grand Recorder; Sir Jeremiah F. Jenkins, Grand Treasurer. The first very important act of the Grand Encampment was performed on March 3, 1806, when the name was changed to "the United States Grand Encampment", and an amended constitution was adopted, on May 29, of that year, establishing the limits of jurisdiction, etc. As thus organized, and with that title, the Grand Encampment continued to exercise its functions and powers until 1816, when the words "United States" were stricken from the title and its authority restricted to the jurisdiction of Rhode Island and Massachusetts. After ably presiding over and guiding the working of the Grand Body from 1805 to 1817, Mr. Webb was succeeded by Sir William Wilkinson, of Providence. In all this period, now covering nearly a century, the life of this oldest existing Grand Body of Knighthood in the United States, has never lapsed, or a stated meeting been omitted.

In Newport as well as in Providence there were Red Cross Knights and Templars in the early years of the last century, if not still earlier. Steps were taken in 1812 for establishing what they called a "Deputy Gd. Consistory in Newport, including all degrees of Knighthood". For this purpose Com. John A. Shaw was sent to New York city to obtain a warrant, in which he was successful, as he reported at a meeting held December 26 of that year. At that meeting a Grand Council of Knights of the Red Cross was opened for the admission of Richard Merrill and William Davis, in order to have the required constitutional number for establishing an encampment. The prescribed proceedings were then enacted and the encampment created, "including a Grand Council of Knights of the Red Cross, Grand Conclave of Knights of Malta, &c., as also the Ineffable Degrees to that of Prince of the Royal Secret". On June 7, 1814, the Newport Encampment petitioned the Grand Encampment organized in 1805 in Providence, for a charter under its allegiance; this was granted, and under it Washington Encampment enjoyed prosperity. During the anti-Masonic difficulties no meetings of Templars were held in Newport, but in 1851 there was a revival, and a meeting was held on the 16th of August, at which nine members attended. The loss of their

charter during the dormant period was announced, but it was replaced by a new one in October, 1853.

These two bodies of Templars in Providence and Newport were the only ones in Rhode Island until after the close of the anti-Masonic period. There were Knights Templar in other cities and villages of importance, but no other organization was effected until 1848, when a dispensation was granted for Holy Sepulchre Encampment, of Pawtucket, which was followed by the granting of a charter by vote of the Grand Body on October 10, 1848. The petition was signed by fifteen persons, most of whom were leading citizens of Pawtucket. Holy Sepulchre Commandery (as it is now named) has had a prosperous life of more than half a century. Its membership in 1900 was 287.

Calvary Commandery, of Providence, was an outgrowth of St. John's Commandery, all of the charter members of the new organization excepting one having been members of the old one. The dispensation for the new commandery was dated November 9, 1859, and the charter was granted May 22, 1860. On January 2, 1861, the commandery was duly constituted by Grand Commander Sir William Field. Sir Henry Butler was chosen the first Commander, and to his ability and energy the early success of the body was largely due. The first candidate knighted in Calvary Commandery was James H. Armington, since which the orders have been conferred on more than 400 candidates. The membership in 1900 was 430.

Woonsocket Commandery was chartered on May 8, 1867, and was constituted at about the same date. The first Commander was Sir Emerson Goddard. This new organization began its life in promising activity, through the influence and energy of such men as Sir Knights Ira W. Arnold, S. W. Razee, Amos Sherman, F. G. Jillson, Walter E. Parker, and others. The membership of the commandery is now (1900) 227.

Narragansett Commandery, in Westerly, was chartered on May 12, 1869, and was constituted under direction of Grand Commander Benjamin Dean, September 26, 1870. Sir James M. Pendleton was installed Eminent Commander; Sir George C. Stillman, Generalissimo; Sir J. Alonzo Babcock, Captain-General. This commandery has had an active and prosperous life, and now (1900) has a membership of 120.

The five commanderies of the State have a total membership of more than 1,300. The Grand Commandery, with jurisdiction over the two States, works in harmony and effectively for the advancement of Templary and the general good of the brotherhood. Rhode Island has supplied ten of the Grand Masters or Grand Commanders in the united jurisdiction. Membership, 1900, 13,112.

*Ancient Accepted Scottish Rite.*—The organization bearing this title



is supposed to contain the best material of the Masonic Fraternity. It consists of thirty-three degrees, in seven sections, each section being distinguished by a special form of organization and name. The three degrees of the first section are those of symbolic Masonry—Entered Apprentice, Fellow Craft, and Master Mason. These constitute the foundation of the Rite; practically, therefore, the Rite begins its own work with the fourth degree, on the essential foundation of the Blue Lodge.

The early history of this system is obscure and what is known of it can be only briefly treated. In 1754 the Rite of Perfection was organized in Paris, France; it included twenty-five degrees and was controlled by the Chapter of Clermont until 1759, when those degrees appeared under direction of "The Council of Emperors of the East and the West". This organization commissioned Stephen Morin to represent the Rite of Perfection, with a view of his establishment of the higher degrees in America. In 1761 he was exercising the functions of his office in St. Domingo and Jamaica, where he appointed inspectors with powers equal to his own. One of these was Henry A. Francken, who proceeded to New York and on December 27, 1767, established a Lodge of Perfection in Albany; he also conferred the degree of Sublime Prince of the Royal Secret (now the 32°) upon a number of brethren. The Council of Emperors adopted "the Constitutions of 1762", which were superseded by the new Constitutions of 1786; the latter were made the governing law of the new body into which the Rite of Perfection was merged, with the title of "The Supreme Council of Sovereign Grand Inspectors-General of the Thirty-third Degree for the United States", as established at Charleston, S. C., May 31, 1801. This became the Southern Supreme Council, the so-called "Mother Supreme Council of the World"; in it was formally recognized the 33°. The formation of the Supreme Council for the Northern Jurisdiction of the United States took place at New York on August 5, 1813; this council, by a subsequent arrangement, was made to include only Maine, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Ohio, Indiana, Illinois, Michigan, and Wisconsin. Both of these councils have had an eventful history, their prospects sometimes being gloomy and their destiny uncertain.

Among the prominent brethren appointed to important official position was Moses M. Hays, at one period a resident of Newport, and later of Boston. He was made Deputy Grand Inspector-General, probably in 1763; it has already been stated that he was active in founding King David's Lodge in Newport in 1780, and about the same time conferred the Scottish Rite upon Moses Seixas and Peleg Clarke, two distinguished early Masons. There was some confusion in the early years regarding the authority and legitimacy of action of some

of the Newport brethren in conferring the degrees of knighthood, after the death of Moses Seixas, but there is no question of the fact that the first Consistory in Rhode Island dates from the year 1813, about which time Bro. John A. Shaw was constituted a Deputy Inspector for this State. Under such sanctions the Sublime degrees were conferred in Newport during the succeeding twelve or fifteen years. There was also a controversy between Emanuel De la Motta, of New York, who in 1813 established the Supreme Council for the Northern Jurisdiction, before mentioned, and Mr. Shaw and other Newport brethren, as to the lawful expression and government of the Rite in that jurisdiction. This controversy, and all other proceedings of the Scottish Rite, was dormant during the anti-Masonic troubles, but were renewed with the revival. In 1844 the Supreme Council had gained a large measure of influence and was active in promoting the interests of the Rite, and was applied to by brethren in Newport in 1848 for authority to convene as Scottish Rite Masons and to confer the Sublime degrees. In accordance with this application the Supreme Council issued charters dated December 14, 1849, for a Lodge of Perfection, a Council of Princes of Jerusalem, a Chapter of R. M. of H-R-D-M., and a Sublime Consistory of S. P. R. S. 32°, "all four of them to be located at Newport". On January 14, 1850, the officers of the Lodge of Perfection and Council of Princes of Jerusalem were installed.

Solomon's Lodge of Perfection was organized in Stonington, Conn., in 1849. The charter was signed and dated March 24, of that year. While located here the lodge was feeble, and ten years after its formation only eleven names were reported as members. In 1860 it was removed to Providence, where its activities were more marked and successful. From that date to the present time the organization has exercised a large measure of influence in Rhode Island Masonry.

In 1860 a disagreement arose, resulting in the formation of a rival Supreme Council, which claimed authority in the Northern jurisdiction, and the Rite became divided in its adherence to one or the other of the two factions. Edward A. Raymond was then Grand Commander in Boston, and assumed what were believed by many brethren to be unwarranted powers. A bitter contest followed, Raymond was deposed from office, and K. H. Van Rensselaer elected in his place; but Raymond continued to act as Grand Commander of another body, claiming to be the only lawful Northern Supreme Council. Each of these men had a strong following of influential brethren, and the situation was anything but encouraging. The Newport brethren adhered to the Van Rensselaer leadership. In Providence bodies were organized under the New York Council, which afterwards united with the Raymond body; they included members of distinguished Masonic standing, but their organic existence ceased in 1867, and the Providence brethren took the oath of allegiance to the United Supreme

Council established by mutual agreement at Boston, May 17, 1867. This was a memorable meeting, where 195 Subordinate bodies were represented, and Bro. Josiah H. Drummond, who had been active in promoting conciliation, was elected Sovereign Grand Commander of the Supreme Council for a term of three years. Under his wise administration all of the interests of the Rite flourished. Since that time there have been futile attempts to organize so-called Supreme Councils, one in 1872, and again in 1881; the first attained little importance, but the latter, which claimed jurisdiction over the whole country, has succeeded in organizing Subordinate bodies in several States and holding their allegiance.

The later history of the Rite in Rhode Island may be briefly covered. The existing Council of Princes of Jerusalem, in Providence, is supposed to have been chartered May 16, 1866, but the matter is in dispute and there is some reason for believing it to have been two or three years earlier. Providence Chapter of Rose Croix was chartered December 18, 1868, and Providence Consistory on the same date; these two bodies were authorized by the United Supreme Council. All of these organizations are enjoying a prosperous existence.

The Scottish Rite bodies in Newport became Subordinates of the United Supreme Council, and on June 16, 1885, under authority of the Supreme body, the Consistories, Chapters, and Councils in both Providence and Newport were consolidated into one body of each rank, and these bodies are now stationed at Providence. Under present conditions, therefore, the Rite in Rhode Island includes Van Rensselaer Lodge of Perfection, Newport; Solomon's Lodge of Perfection, Providence; Rhode Island Council of Princes of Jerusalem, Providence; Rhode Island Chapter of Rose Croix, Providence; and Rhode Island Consistory, Providence. There are more than three hundred members in the State who have attained the 32°, and a considerable number the 33°.

The colored Masonic bodies have a substantial membership in the state, the cities of Providence and Newport being the places represented by the fraternity. The Most Worshipful Eureka Grand Lodge holds communications at Masonic Hall, 98 Weybosset street, Providence; Joseph E. Brown of Providence is the Grand Master. The lodges in Providence are Harmony Lodge No. 1, Celestial Lodge No. 2, King Solomon Lodge No. 5, and Star of the East Lodge No. 6. Besides these lodges there are The United Supreme Council No. 33 A.: & A.: S.: Rite, De Molay Consistory 32 Degree and Constantine Temple of the Ancient Arabic Order of Nobles of the Mystic Shrine. The Annual Convocations of the Grand Chapter of Royal Arch Masons is held on the fourth Friday in November. There are four subordinate chapters, Celestial Chapter No. 1 of Providence, Golden Rule Chapter No. 2, Providence; Mount Olive Chapter No. 3, Providence,



and Salem Royal Arch Chapter No. 6, Newport. Templar Masonry is represented by Simon's Commandery No. 1 of Providence, Golgotha Commandery No. 2 of Providence, St. Paul's Commandery No. 3 of Providence, and B. F. Gardner Commandery No. 6 of Newport.

The Grand Commandery of Knights Templar and Appendant Orders of Rhode Island and Massachusetts hold their Annual Grand Conclave the third Wednesday in September. In addition to these bodies there are located at Newport, Stone Mill Lodge and Boyer Lodge No. 8 and Mount Calvary Consistory.

#### INDEPENDENT ORDER OF ODD FELLOWS.

This old and beneficent Order numbers nearly 7,000 members in Rhode Island, where fifty-one lodges have been organized and passed through their respective periods of life of greater or less prosperity. The Order of Odd Fellows originated in England in the eighteenth century, but between 1790 and 1796 measures were enacted by the English Parliament for the suppression of all seditious gatherings, and to interdict the unlawful administering of oaths by secret societies. The Odd Fellows Lodges, to avoid having their purposes and teachings misconstrued by the government, decided to suspend all public operations. This condition of affairs existed until 1803, when the society of London Union Odd Fellows was organized by certain lodges in London; in 1813, however, there was formed an organization of lodges, under the title of "The Manchester Unity of the Independent Order of Odd Fellows", from which the American Order of Odd Fellows sprang.

The first Odd Fellows lodge in America was Washington No. 1, of Baltimore, which was organized April 26, 1819, through the efforts of Thomas Wildey, the father of the Order in this country. There are traditions, but no substantial evidence, that Odd Fellows lodges were in existence in Rhode Island before the formation of the Baltimore lodge. On the minutes of Massachusetts Lodge No. 1, of Boston, for the year 1822, is a record of a resolution of that body, congratulating the Odd Fellows of Providence upon their opening of a new lodge. The history of this organization, if it lived to make any, is not accessible. It must have been very short-lived, for in 1826 the Grand Lodge of the United States received a letter from Benjamin Downing, P. G., of New York, requesting a warrant or dispensation for a lodge in Providence. Even then there were not enough members and enthusiasm in the said city to effect the purpose sought, and it was not until June, 1829, at a special meeting of the Grand Lodge, held in Baltimore, that the charter was granted to Friendly Union Lodge No. 1, to be located in Providence, R. I. There is some doubt as to the exact date when this lodge was instituted. The charter is dated June 13, and it is generally believed the lodge was instituted on the

20th, the ceremonies being directed by Thomas Wildey, assisted by Representative Thomas Small, of Pennsylvania. The charter members were Henry Hobson, Watkin McFarlane, John Devan, Francis Chadburn, James Bury, and John Bowcock. James Wood, who subsequently acquired the title of "The Father of Rhode Island Odd Fellowship", was highly complimented for an able speech on this occasion on the purposes and benefits of the Order. The early meetings of this first lodge in the State were commonly held in a public house, the Manufacturers' Hotel being a favorite place; but in 1833 the meetings were held at the Union House, No. 24 Weybosset street, the landlord being secretary of the lodge at that time. Notwithstanding the efforts of Mr. Wood and other enthusiastic members, the lodge declined, a result due to a great extent to the anti-Masonic movement, which affected all secret organizations. From August, 1834, until August 19, 1843, no meetings were held, although a petition signed by Mr. Wood and seven others was presented to the Grand Lodge of the United States in September, 1841, for a renewal of the charter, which request was granted on September 27, 1841. In December of that year, Grand Sire John A. Kennedy came to Providence, but a mistake as to the date of his arrival was made and the members were unprepared, delaying action until August 19, 1843, at which time five of the former petitioners assembled in Mechanics' Hall, and the lodge was formally reopened by Daniel Hersey, District Deputy Grand Sire, assisted by Bro. Albert Guild, of Boston. William E. Rutter was elected Noble Grand; Thomas Charnley, Vice-Grand; James Wood, Recording Secretary; Joseph G. Charnley, Treasurer. A fair measure of prosperity was enjoyed by the lodge until April 27, 1865, when it was formally suspended from the Order and its charter annulled by Grand Master Charles G. Cole. On April 7, 1870, a reorganization was effected and the lodge has enjoyed prosperity ever since.

The year 1843, when Friendly Union Lodge was formally reopened, was a turning point in the history of Rhode Island Odd Fellowship. Previous to that date the prospects of the Order were discouraging, but during the five years succeeding the revival the Order reached its highest point. There were, in 1848, 1,566 members of the several lodges, a number which declined to 595 members, belonging to only eleven lodges in 1865. Since that year, however, conditions have greatly improved, as will be seen.

In the same year that witnessed the reopening of Friendly Union Lodge, a second one was formed in Providence. Eagle Lodge No. 2 was instituted April 29, 1843, and its membership rapidly increased until, in 1847, it numbered 349. The meetings were held in Friendship Hall, No. 3 Exchange street. In the following year Roger Williams Lodge No. 3, Providence, was formed, and held its meetings in Roger Williams Hall, Canal Market; it was instituted on the 4th of

April of the year named, and was reorganized January 24, 1868. As a part of the rapid advancement of the Order in this State during the five or six years before mentioned, Hope Lodge No. 4, of Providence, was instituted July 29, 1844, and held its meetings in Friendship Hall; it had a membership of 199 in 1847, and is still in active existence. This was closely followed by Harmony Lodge No. 5, East Greenwich, which was instituted in Newport as Ocean Lodge on September 28, 1844, and reorganized as Harmony Lodge on June 3, 1869. It had a membership of 64 in 1847. The lodge erected a building in 1877-8, costing about \$6,000.

The next lodge formed in the State was Amity No. 6, of Warren, which dates from November 13, 1844. The number of petitioners for this lodge was twelve, and William P. Eddy was chosen the first Noble Grand. The lodge purchased a building in 1870 in which a hall was fitted up; it had 99 members in 1878, and still maintains a prosperous existence. Its property is now valued at \$9,000, with a debt of \$1,912.

Narragansett Lodge No. 7, Westerly, was organized March 25, 1845, with five charter members. Horace Babcock was the first Noble Grand. The lodge surrendered its charter January 26, 1864, and reorganized December 28, 1871.

Good Samaritan Lodge No. 8, Pawtucket, was instituted April 4, 1845, with N. S. Alexander, Noble Grand. It soon gained a large membership. It now owns property valued at \$41,050, with an indebtedness of only \$2,300.

The next addition to the organization of the Order was Canonicus Lodge No. 9, Providence, which was instituted April 8, 1845, with twenty-three charter members; Mark Graves was the first Noble Grand. This lodge is still in existence and is prosperous. In the same year Woonsocket had its first Odd Fellows organization in Woonsocket Lodge No. 10, which was instituted on August 1, 1845, with nine members, and Maxey B. Newell, Noble Grand. The lodge flourished and in 1878, some years after the close of the period of decadence, had about 220 members. The present membership is 207, and the lodge is in possession of property having a valuation of \$31,007.62, upon which there is indebtedness of \$21,150.

Washington Lodge No. 11, located at River Point, was instituted March 5, 1846, and has enjoyed a high degree of prosperity, considering its circumstances. The lodge owns property valued at \$6,450, on which there is an indebtedness of \$700, and the members are zealous in promoting the interests of the Order.

Rhode Island Lodge No. 12, located at Newport, was instituted on December 16, 1845. The lodge enjoyed fair prosperity and later purchased a site for a building on Washington Square. This property in its present condition is valued at \$24,000, with a debt of \$6,500.



The preceding few pages show a remarkable state of activity in Rhode Island Odd Fellowship in the years between 1842 and 1846. The beneficent purposes of the Order, its beautiful ceremonies and its promotion of brotherly relations among men, called into its ranks a very large number of excellent citizens. It was at this time, when the prospects of Odd Fellowship were so encouraging, that the Right Worthy Grand Lodge of the Independent Order of Odd Fellows of the State of Rhode Island was instituted. The important event took place on the 15th of June, 1844. From that time forward for twenty years its meetings were held in a hall in the Exchange Building, Providence; during several following years they were held in Weeden's Hall, until September, 1869. In 1870 Odd Fellows Hall, at 97 Weybosset street, was ready for occupation, and there the Grand Lodge continued to meet in annual session until the year 1900. In the ceremonies of instituting and opening the Grand Lodge, D. D. G. Sire Albert Guild took part and was assisted by a number of officers of the Grand Lodge of Massachusetts. The following officers were elected: James Wood, Most Worthy Grand Master; Joseph G. Charnley, R. W. D. G. M.; John Hully, R. W. G. W.; John Harper, R. W. G. S.; Matthew Taylor, R. W. G. T.; Roger Eatough, R. W. G. Guardian. A committee of three persons, consisting of William E. Rutter, James Wood, and John Hully, was appointed to prepare a constitution and by-laws for the Grand Lodge, which were adopted on July 20, 1844. The Grand Lodge membership was small for a number of years, but when the time came that saw renewed vigor infused into the Order, the Grand Lodge shared in it and has since been prosperous. Its membership is 1,139.

The next lodge in the State in numerical order was what is now United Brothers' Lodge No. 13, of Bristol. This lodge was instituted in Pawtucket village, on the Rhode Island side of the river, April 1, 1846; it was removed to Valley Falls in January, 1850, and on the 21st of January, 1854, its charter was surrendered. The first measure adopted to revive the charter, with a view of locating it in Bristol, was the sending in of a petition on February 21, 1870, signed by several of the old members, asking the restoration of the charter, books, and other property; this was duly granted, and Grand Master Henry A. Chace issued a dispensation to Israel B. Purrington to open and reorganize the lodge, which duty was performed on the 4th of the following May. William J. Miller was elected N. G. on the 5th, and the first regular meeting was held on the 6th of May. This lodge has since been prosperous and now owns property free of debt valued at \$5,513.84.

Mechanics' Lodge No. 14, of Hope Valley, was instituted on July 12, 1849, with forty-four charter members, and Jedediah G. Witter, N. G. The lodge was located in the town of Richmond until 1859, when it

was removed into Hopkinton, where it has continued an active existence and owns property valued at \$8,000.

Manufacturers' Lodge No. 15 was instituted at Potter's Hill on the 19th of February, 1857, and in 1860 its charter was surrendered. The lodge was reorganized in Olneyville (now Providence), April 13, 1870, since which time it has achieved an enviable record.

Friendship Lodge No. 16, Carolina, was instituted March 28, 1851, and Brightman Tucker was elected the first N. G. Previous to that date the members of the Order in that section had attended the lodge at Hope Valley. The lodge has flourished and has property valued at \$2,771, with indebtedness of \$1,200.

From this time forward during about one decade Odd Fellowship in Rhode Island was in a depressed and declining condition. The number of lodges was probably too great in proportion to population; many had been instituted with very limited membership and they became straitened in their finances; there was a quite general loss of membership and for a time the prospects of the Order were discouraging. Recovery began about 1860, but there was only a fair degree of prosperity, and no new lodges were formed until after 1870. Four were organized, however, in 1871, and eight in 1872, and from that time to the present there has been no lack of zeal or progress.

Seaside Lodge No. 17, of Portsmouth, was instituted January 25, 1871, and chartered in January, 1872, with seven members. Benjamin Tallman was the first N. G. On June 30, 1900, the lodge was consolidated with Oakland, No. 32, which was organized at South Portsmouth on January 1, 1874, with twenty members, who had withdrawn from Seaside Lodge. This lodge now has property valued at \$3,900, with a debt of \$2,300.

The next three lodges instituted were all located in Providence. Swarts Lodge No. 18 was instituted March 22, 1871, and is still in existence, with a membership of 199. Pilgrim Lodge No. 19 was instituted on December 4, 1871, and John Henry Bongarts was elected the first N. G. The lodge is still in active existence. Unity Lodge No. 20, Providence, was instituted December 16, 1871, and James K. Trask was chosen N. G. The lodge is in active existence.

Of the eight lodges instituted in the year 1872, four were located in Providence, as follows: Franklin No. 23, instituted July 13, 1872, with Thomas W. Hart, N. G. Crescent Lodge No. 24, instituted July 19, 1872, with sixteen members, and John L. Sprague, N. G. North Star Lodge No. 25, instituted July 6, 1872, with six charter members, and Dr. C. T. Gardner, N. G. This lodge has assets of \$7,490. Westminster Lodge No. 27 was instituted September 12, 1872, with eight charter members, Francis M. Taft, N. G.

Anthony Lodge No. 21, of Anthony, in the town of Coventry, instituted January 16, 1872, was the first and only lodge in that place.

There were twelve charter members and John J. Kelton was chosen the first N. G. This lodge has flourished and owns a hall and property valued at \$5,600, free from debt.

Pawtucket received an accession to its lodges in 1872, when, on June 11, Enterprise Lodge No. 22 was instituted. William H. Dodge was elected the first N. G. The lodge is still in existence.

Neptune Lodge No. 26, at Block Island, was instituted August 23, 1872, by a few former members of Rhode Island Lodge No. 12, who withdrew for that purpose; there were ten charter members. The lodge has enjoyed fair prosperity and owns property valued at \$2,300, clear of debt.

Woonsocket was favored with a second lodge in 1872, when Eureka Lodge No. 28 was instituted on October 29, with ten members. John H. Sherman was elected the first N. G.

Only three lodges were organized in the year 1873. Perseverance Lodge No. 29, of Apponaug, in the town of Warwick, was instituted February 26, 1873, and James Wood Lodge No. 30, Providence, was instituted April 3, 1873, with only five members. Dr. William Von Gottschalk was elected N. G. Mayflower Lodge No. 31, Providence, was instituted May 28, 1873, with eleven charter members. The first N. G. and John King.

The number of lodges in the State was increased by five during the year 1874, and the Order was making rapid and substantial advancement. Granite Lodge No. 33, of Pascoag, town of Burrillville, was instituted January 8, 1874, with fifteen charter members. William Nugent was elected N. G., and meetings were held in the old hotel hall. In 1875 a fine building was erected by the Order, and the property of this lodge at the present time is valued at \$9,900.

The first movement towards forming an Odd Fellows lodge in East Providence was made at a meeting held in the town hall, March 19, 1874. A meeting was held on the 14th of April of the same year, when officers were nominated and preparations made for petitioning for a charter. The charter was granted in due time and Reliance Lodge No. 34 was instituted April 28, 1874. Edward S. Luther was installed as the first N. G. At that meeting propositions to become members were received from twenty-six persons, and the lodge rapidly increased in numbers and resources. It now owns property valued at \$13,200, on which is a debt of \$6,500.

Superior Lodge No. 35, at Central Falls, was instituted June 23, 1874, with Albert P. Carpenter, N. G. It has had a prosperous existence. Columbia Lodge No. 36, of Wakefield, was instituted July 2, 1874, and H. F. Brayman elected N. G. Beacon Lodge No. 38, of Wickford, was instituted December 25, 1874, with Albert W. Fiske, N. G. Its property is valued at \$4,000, with \$1,400 indebtedness.



These several lodges organized in that year have maintained their existence to the present time.

Only two lodges were added to the increasing number in 1875, one of which was located in Providence. This was Olive Branch Lodge No. 37, which was instituted on New Year's day, and Clarence B. Smith was elected the first N. G. The other lodge was Seaconnet No. 39, at Little Compton, which was instituted on the 2d of April, 1875. Henry T. Sisson was elected the first N. G.

One lodge only was formed in 1876. This was Covenant No. 40, at Ashland, which was instituted on September 13, 1876. The first N. G. was S. H. Angell.

Two more lodges were organized in 1877. Electra Lodge No. 41, at Adamsville, town of Tiverton, was instituted March 1, 1877, and is still in existence. La Fayette Lodge No. 42, of Clayville, was instituted June 11, 1877; it has kept up a vigorous existence and acquired property valued at a little over \$2,000.

Since the year last named there have been nine lodges added to the number in Rhode Island, of which these necessarily brief notes are added. Exeter Lodge No. 43, at Exeter, was instituted October 15, 1881. It has had a prosperous life and has acquired property valued at about \$1,000. Park Hill Lodge No. 44, at Auburn, was instituted March 23, 1886. This lodge has grown rapidly and now has a large membership. It is in possession of property valued at more than \$15,000, but is in debt to the extent of \$13,083. Mt. Pleasant Lodge No. 45, Providence, was instituted July 9, 1886. Its property has a value of \$9,000, but it has a debt of \$6,400. Anchor Lodge No. 46, was instituted December 10, 1887, and is located in Providence. Gibson Lodge No. 47, at Peacedale, was instituted March 8, 1889, and on the 21st of the same month, What Cheer Lodge No. 48, of Providence, was instituted. The last lodge formed in Newport was Excelsior No. 49, which was instituted June 30, 1891. Mt. Vernon Lodge No. 50, Pawtuxet, was instituted March 2, 1892. The last lodge to be organized in the State was Washington Park Lodge No. 51, of Providence, which was instituted August 17, 1894.

Besides the property mentioned in this record of Odd Fellows as being owned by them, it should be stated that Unity Lodge, in Providence, has property valued at a little more than \$10,000, which is nearly free from debt, and that in what is known as the Annex District of Providence, Manufacturers' Lodge No. 15 owns a building valued at \$18,675, which is nearly paid for.

In addition to the foregoing described lodges of Odd Fellows in this State, there are eighteen Encampments, with a membership of 1,284, and a Grand Encampment. The degrees in the patriarchal branch of the Order in this jurisdiction were first conferred on April 3, 1844, upon eleven brethren, members of Friendly Union Lodge No. 1,

Providence. The first person to receive these degrees on that occasion was Samuel H. Thomas, who is looked upon as the pioneer in this branch of the Fraternity. A petition was immediately signed and forwarded for an Encampment in this State. On the 9th of April following, Grand Sire Albert Guild instituted Narragansett Encampment No. 1, and installed the following officers: William E. Rutter, C. P.; James Wood, H. P.; Stephen Phillips, S. W.; H. L. Webster, J. W.; Oliver F. Dutcher, S.; Samuel H. Thomas, Treasurer.

The organization of this first Encampment in the State was soon followed by another in Providence. Moshassuck Encampment No. 2 was instituted on the 13th of May, 1845, and both of these are still maintaining a prosperous existence. The next encampment was organized in Newport; this was Palestine No. 3, which was instituted October 16, 1845. After a few years of active life a difficulty arose between it and Ocean Lodge No. 5, and the membership declined in number to ten. This condition caused the Grand Lodge of the United States to consent to the removal of the encampment to Woonsocket on September 18, 1848, and the encampment has continued its existence to the present time. On February 2, 1857, the Grand Scribe was directed to forward to each of the subordinate encampments a charter, signed by all the Grand officers, to take the place of dispensations or charters previously issued.

Manchester Encampment No. 4, of Pawtucket, was instituted April 6, 1848, and entered upon a life of prosperity which has continued to the present time.

The brethren in Westerly organized the next encampment under the title of Massatuxet No. 5, on September 25, 1851; it remained there with a small membership until May 21, 1860, when consent was obtained for its removal to Newport and the changing of its name to Aquidneck Encampment No. 5, which it still bears.

Howard Encampment No. 6, was instituted September 14, 1852. This was the last one organized for a period of nearly fifteen years. This branch of the Order sympathized with and felt the influences that caused serious decadence in the Order between 1860 and 1870, and there was little or no progress during those years. Niantic Encampment No. 7, in Hopkinton, was instituted on March 22, 1869, and Massasoit Encampment No. 8, on June 23, 1871. These were followed by Wampanoag Encampment No. 9, Bristol, which was instituted January 18, 1872, and Woonasquatucket Encampment No. 10, Olneyville (annexed to Providence, June 1, 1898), July 28, 1873.

Plymouth Encampment No. 11, Providence, was instituted April 10, 1872, with Daniel C. Taylor, C. P.; surrendered its charter June 14, 1873; reorganized June 16, 1873. Two months later, on September 1, Mazeppa Encampment No. 12, Providence, was instituted, with James K. Trask, C. P. In the same year, on December 9, Anawan Encamp-

ment No. 13, Providence, was instituted, with John E. Ogden, C. P.; surrendered its charter December 30, 1881. On October 28, 1885, Awashonks Encampment No. 13 (the number originally used by Anawan) was instituted in Little Compton. Uncas Encampment No. 14 was instituted in Providence, January 3, 1873, with William H. Young, C. P.; March 5, 1884, permission was given the encampment to locate at Wickford; surrendered its charter February 6, 1900. Blackstone Encampment No. 15 was instituted in Pawtucket, April 15, 1873. Minnehaha Encampment was instituted in Providence, July 6, 1873. Fraternity Encampment No. 17 was instituted in East Providence, April 3, 1875. Weetamoe Encampment No. 18, Adamsville, was instituted April 15, 1878. Massatuxet Encampment No. 19, Westerly, was instituted April 27, 1891.

On the 11th day of June, 1849, the Past Chief Patriarchs of Rhode Island assembled in Providence for the purpose of forming the Grand Encampment of Patriarchs of I. O. O. F. of the State. A dispensation, dated Baltimore, May 26, 1849, had been obtained in response to a petition from the several subordinate encampments. Following are the names of the first officers of the Grand Encampment: G. P., James Wood; G. H. P., William B. Hubbard; G. S. W., Israel B. Purington; G. J. W., Hiram Thayer; G. S., Horace A. Manchester; G. T., George W. Ham; G. Sen., John H. Watson. The Grand Encampment, as well as the Grand Lodge in this jurisdiction, has on many important occasions participated in processions and ceremonies, giving thereto added impressiveness and solemnity. The benefits arising from membership in the fraternity are unquestioned, and many honored citizens of the State have joined the Order whose motto is "Friendship, Love, and Truth".

In close relation with this Fraternity are the Rebekah Lodges, I. O. O. F., composed of Odd Fellows in good standing, and their wives, daughters, sisters and mothers. The Rebekah branch came into existence in 1851, its distinguished author and founder being the Hon. Schuyler Colfax, LL. D. There are thirty lodges in the State at the present time, the first one, Naomi No. 1, having been organized December 10, 1868.

On the 3d of November, 1869, a new hall for the use of the lodges Nos. 2, 3, 4, 9, and encampments Nos. 1, 2, of Providence, was formally dedicated with impressive ceremonies. It is situated at No. 97 Weybosset street and was purchased in June, 1869, for \$35,000, by Gardner T. Swarts, and by him sold to the bodies. The building stands on leased land, which lease expired July 1, 1900. The leasees declined to renew the lease, consequently the building was sold at an appraised valuation in accordance with the terms of the lease. These several bodies are now located in comfortable quarters at No. 206 Weybosset street. At the session of the Grand Lodge, held February 5, 1901, it



was resolved that a special committee of five members be appointed by the Grand Master for the purpose of applying for and obtaining from the Legislature of the State a charter for what shall be known as "The Odd Fellows Building Association". A similar resolution was also adopted by the Grand Encampment at its session held March 6, 1901.

James Wood, the founder of Odd Fellowship in Rhode Island, was an Englishman and a member of the Order in that country. He came to this country in the spring of 1827, settling in Taunton, Mass. Seven years later he removed to this State, where he passed the remainder of his life, dying January 17, 1867, at the age of sixty-five years.

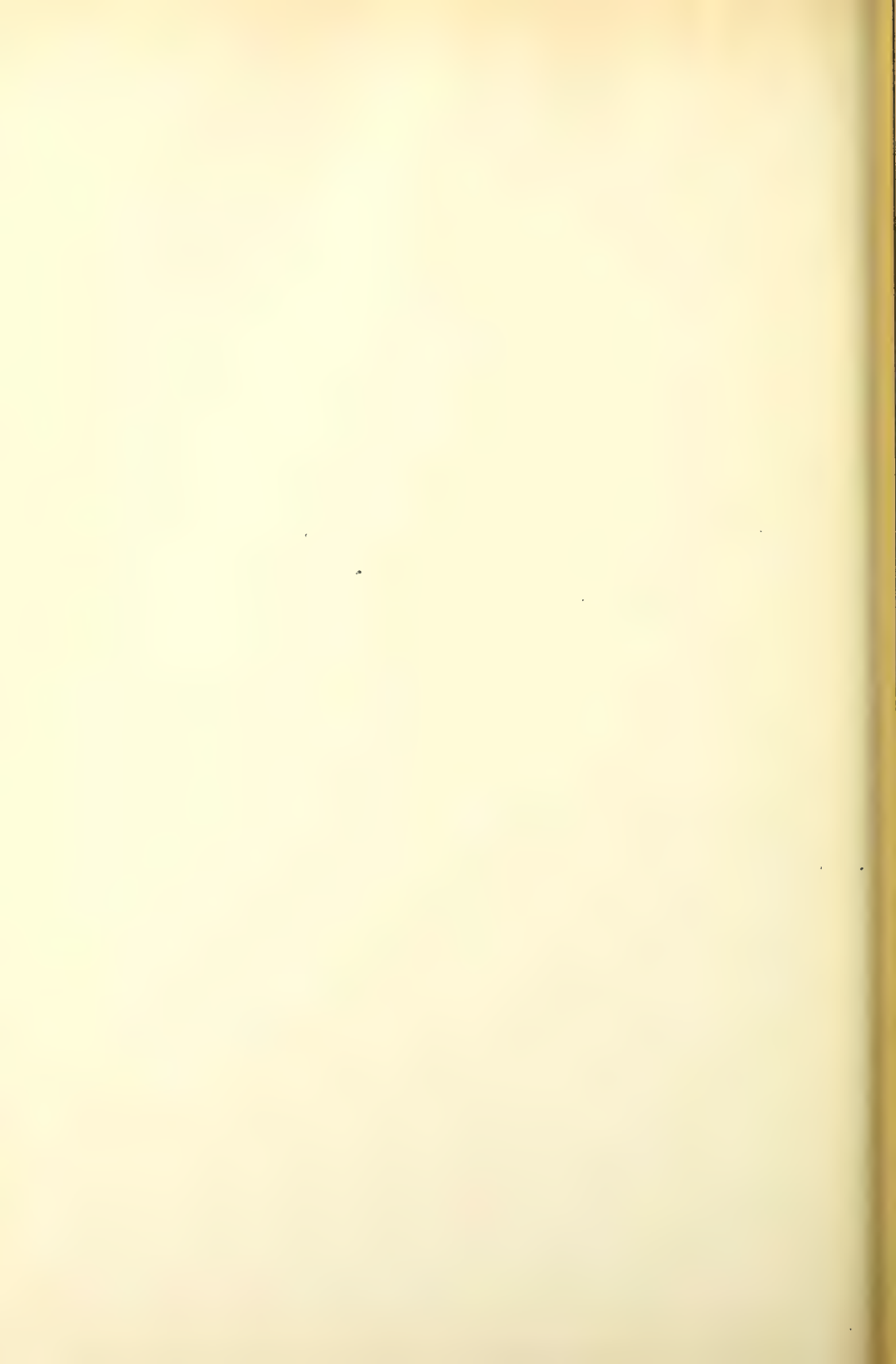
The Grand United Order of Odd Fellows (colored) is represented in both Providence and Newport by Hope Lodge No. 119, Narragansett Lodge No. 1,541, Weybosset Lodge No. 1,834, Westminster Lodge No. 2,408, all of Providence; and Canonchet Lodge No. 2,439 of Newport. The Grand Lodge meets annually in August at 25 North Main street, Providence. Joseph H. Peirce is Deputy Grand Master.

The D. G. Masters Council No. 21 meets every third Friday at 25 North Main street.

The only encampment is Rose of Sharon Encampment No. 1 of Providence, which meets at 98 Weybosset street the third Friday in each month. Robert L. Nickens is the Grand Commander.

*H. P. Smith*

NOTE—In addition to the two more prominent secret organizations described in the text, Rhode Island has numerous others, partially or wholly secret in their policy, as well as many of purely fraternal character in which insurance or other benefits accrue to their members. The Knights of Pythias is one of the older and stronger of these organizations in this State, with a Grand Lodge in Providence, which was formed in February, 1871. There are six Councils of the Improved Order of Red Men in Providence, and also the Great Council of Rhode Island, of which Henry S. Archer is the Great Sachem. The Knights of Columbus, with its State Council in Providence, is represented by a number of Councils in other cities and villages. The State Council of the Catholic Knights of America meets in Providence, and the Order has made many subordinate Councils, seven of which are in Providence. The Grand Commandery of the United Order of the Golden Cross was instituted in Providence in 1888. The Grand Lodge of the Knights of Honor meets in Providence under George A. Dary, Grand Dictator. The Foresters of America is very numerous represented in this State, with its Grand Court in Providence.



Early Habits and  
Customs and  
Old Landmarks.





## CHAPTER VII.

### EARLY HABITS AND CUSTOMS.

In colonial days each man, beside his trade or profession, followed the calling of the farmer.

The early settlers in New England were hard working, industrious people; on their labors in the field and in the woods depended the life, comfort and happiness of themselves and their families. Spring, summer, autumn and winter followed each after the other with never failing regularity; each season had its duties.

With the advent of spring's warm sunshine and budding vegetation the hard work of the year began. Ground must be broken for planting; this could not be delayed. No matter how badly the services of a neighbor might be desired for other work, planting must be attended to. All the townsmen were busy in the field. In 1685 Edward Inman of Providence had granted to him a tract of land in "Loquassquissick woodes", but he was unable to have its bounds defined by a surveyor for the reason, as the records state, "it is ye season of ye yeare for planting."

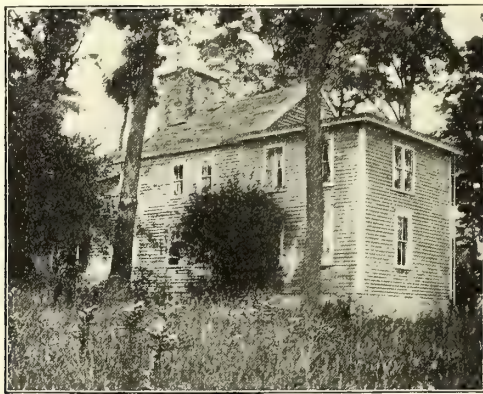
Planting was not the only duty that commanded the attention at this season. Fruit trees had to be grafted, and when the new April moon appeared in the sky, with the "horns" up, that was the time to sow wheat and rye. Then there were the fences to be looked after and to be kept up, lest the wandering stock break in and later destroy the results of all their labors.

As the season advanced new duties were made necessary; haying time came, and a good farmer cut his grass while the morning's dew yet sparkled upon it. New ground which had been cleaned of "rub-bish" must be burned, against another planting time. An old order of the town of Providence regulated the time when the fields in certain sections of the town should be fired; on the plains the second of the first month, and on the neck and other parts the "15th of the said moneth yearly".

While goodman toiled in the fields or in the woods until the horn blew near night-fall, goodwife, after her household duties were looked to, sought in the woods and meadows for the green herbs and other plants; these were carefully hung from the great beams in the attic, or

spread upon boards or on the floor. They filled the house with an aromatic odor, which even to-day can be detected in many old houses, although years have passed since any have been thus gathered and cured. Our ancestors were subject to many of the ills which now afflict us, and no household was without its stock of motherwort, thoroughwort, elecampane, lungwort, pennyroyal, and many other species of herbs, barks and roots of the meadow and woodland.

In colonial days doctors were not always available when sickness came to the household; nor was it possible to obtain always the benefit of a personal visit, but in order that the patient might receive the benefit of their professional skill, the sick person would write out in detail the symptoms of his sickness for the consideration of the doctor;



COREY HOUSE, ERECTED 1713, QUIDNISSET, NORTH KINGSTOWN.

In the chimney of this house Lieut. Job Cory was concealed while a British raiding party searched the house during the English occupancy of Rhode Island in the war of the Revolution.

and thus when a person was sick he would write the "discription of the operation of the sickness", which in one case was as follows: "sumtimes I have a strange knawing and fretting in my Stomack; and sids which seems both hot and Cold with a sour rising in my stomach and also a sour tast in my mouth and oftentimes a trembling at heart and sumtimes my heart beeteing very quick and sumtimes makeing of stops and then fetch a leep and sumtimes sumthing rising up and Coming over me like a fright which makes it seem as if I should die presently and sumtimes my breath going away just as I am going into Sleepe, and also many other strainge fainty feels to tedious for me to relate but one thing more I shall relate; that is I am very much troubled with wind in my Stomach and If I take that which is of a hot nature it is apt to make me faint, and much sweete makes me fainte and sour ore tart things fret my stomach"; and the good old doctor



carefully reviewed the description and concluded in his mind that his patient was suffering from the dyspepsia, and forthwith returned a recipe which we hope afforded relief to the sufferer.

An old writing yet preserved gives us the name of one of the early medical advisers, Doctor Rodman; three generations of these Rodmans were physicians, and they were skillful and prominent in Southern Rhode Island.

In this it says, "If Doctor Rodman should send me any thing, I would desire him also to send a note of direction how to use it and how it will operate.

"I would also desire you to ask doctor Rodman whether he hath any such Cordill pills as Beniamen Newbuery did formerly make which said pill was also to cause rest and sleep and if he have such pill and accounts it good for me then I do desire a littel of it with directions how to use it."

Among the choicest household treasures were little scraps of paper on which were written the directions for making the mixtures for use in the time of sickness. They were compounded without a fine regard for quantities, but they no doubt served their purpose, for we know that our ancestors were hale and hearty and lived in most cases to ripe old age. Rheumatism afflicted them as it does us now, and for this the following was said to have been a remedy:

"A Receit for the Gout or Rumatick Disorder. Take a Pound of Bittersweet Root and a Pound of Saxapiriller Root ye Bark of ye Root of Each and a Pound of Sweetfirn Boughs one Pound of Black Birch Bark Pound them well in a Morter Let it soak all night in Eight Quarts of Water then Boil it away to two Quarts then strain it out put in a Pound of Sugar Just Boil and Skim it then take it off and put in a Quart of West India Rum. Take three jills of it in a day (viz) a jill at a time one hour before Eating for Thirty Days."

Another was:

"A Diat drink to be made of Elder bark half a peck of the Green two ounssis of Race Ginger two ounssis of Spanish Ruborb one handful of Elicumpain one handful of horseradish Roots one handful of wormwood one handful of beech peas one handful of scurvigrass one Peck of Malt one quart of Molasses take half a pint in the morning fasting and Every Night take a Spoon full of Rum with Cloves of Garlick Steeped in it".

There were recipes for the cure of the rickets, sore eyes, jaundice, "a consumption", and many others. They were the curious combinations of roots, barks, herbs and spices, those old fashioned remedies, ancestors of the nostrums now called Indian Remedies.

Here is a "Cure for the Rickets":

“Take a handful of hartshorn & a handful of Shepards pouch & a handful of agramony & a handful of Garden Hyssup & a handful of balm & a handful of maiden hair & a hand [ful] of yellow Solomon seal and make Surup of all these and give the Child three spoons full a day at morning noon & night & let ye Childs blood twice a week.”

There was no fine division of quantities in preparing these medicines, a “handful” was thought to be near enough without any regard to the size of the hand.

This recipe is called “An Extriordina Medseion for Sore Eyes to clens the ball of the Ey from any Redness or fogeons flesh or any Such Like thing and it Rather Strengthens the sight of any Ey to whome it is Rightly applied.

“Take the Best of old England Saffron Dry it in a plate by the fire then Rob it to powder And in the morning wett your Ey with white Rose water then put in the powder of Saffron in to your Ey and there let it abide until it works out of its one accord and at night when you go to bed take a plegget of Clean to Dip it in vinigar then take some of the said ros water put it into a small viall then put to it the white of an Eg then shake it well together then Spred it on the plegget of to and bind it on your Ey and there to abide all night and so doe as often as you pleas.”

All sorts of remedies were thus prepared, and even to-day among the New England country folks these same old fashioned medicines made of roots, herbs and barks may be found regularly supplied in the household.

Goodwife also looked after the garden seeds for next year’s planting, picked them when ripe, sorted them over and rolled them up in papers and carefully put them away in drawers for future use.

Paper was a scarce article about the house in those days, and thus it came about that the Town Evidence, the deed which conveyed the title to all the lands included in the city of Providence and nearly half of the whole State north to the Massachusetts line, was once used for this purpose, for Howlong Fenner, who was the daughter of William Harris, the opponent of Roger Williams, said in 1708 that Joseph Carpenter told her that his grandmother, who was the wife of William Carpenter, “thought it was a pees of wast paper and Raped up garden seeds in it when she had soed her seeds she thrêw away the deed as waist paper and he found it and wt lying out in the wet some of the deed Torn out”. Its mutilated condition to-day shows plainly that it has received hard usage and bears out the statement of the base use made of so valuable a document.

In August such spare time as could be taken from the work in the field was devoted to looking over and repairing the sleds for the winter’s work of hauling wood for the use of the household, and for carting stone to repair walls.

While the apples in the orchard were ripening in the summer sun, the barrels for the "orchard tea" required attention. Early cider was made in September. The barrels used the year before must be rinsed out with warm water and smoked with brimstone before filling.

Our ancestors looked carefully after the cider crops, for when winter came and old Boreas with his icy breath kept them within doors during the long evenings, no more comfortable spot could be found than before the great fire-place, piled high with blazing logs. Here families and neighbors sat in the ruddy fire light and feasted on roasted apples and nuts, drank mugs of mulled cider, cider royal, egg cider, and many other mixtures of which cider could be made the main part.

November brought the husking, when parties of merry boys and girls, and even the older ones of the families, went about from place to place helping one another to husk their corn. Husking parties combined both work and play, and the jolly people went about it, flushed with the anticipation of the red ear, pudding, nuts, cider, and all the good things that formed the "treat" when the work and fun was drawing to a close.

The long winter months now set in; even then there was much about the farm to occupy the time of the farmer; there were no idle minutes in his life. When the winter's snow covered the ground the sleds were hitched up and the field of activity was the wood lot, for the year's wood must be cut and hauled to the dooryard, split and piled up for drying before it was in condition for all uses of the household. To get a load of wood in the summer was a day's job, but in winter it took but a quarter of the time. There was an old saying among the farmers that "there will be no need of bellows if your wood is dry and you build your fire right", which was to say that the year's supply should be piled high in the winter so that the vexation of having to build a fire of green wood might not be encountered.

The people depended upon the resinous pine wood for lighting up the interiors of their houses; this they fashioned into pieces of convenient shape which they called candles. This means of illumination continued for many years. In 1681 this method was in use, for it was represented to the town of Providence, or, as the records quaintly expressed it: "There is a brute abroad that some person or persons are Determined to propagate the runing of Tarr from pitchwood; As also of pitchwood to make Coale: The Towne Well weighing ye premises, & Considering ye Great damage which will Accrew in Case such a designe be put in Execution, see Cause the same timely to prevent; And doe hereby declare against, and forbid any persons from this day forward to make any Coale of pitchwood, or runn any Tarr from pitchwood, or be a procurer or employer of any so to do, (Except it be to ye quantety of Tenn Gallons for his own proper use, and



he being an Inhabitant of this Towne,) and All ye Tarr and Coale soe made shall be fforfit, one halfe thereof unto ye informer, and ye other halfe unto ye Towne Treasury: The which shall be seized either by a warrant from any one of Majestrates or by order from ye Towne. And that the sayd person or persons who make ye sayd Tarr & Coales, and theire imployers and procureres for Each Defect, from time to time shall forfitt Each of them ye sum of ffifty shillings and if any person or persons whatsoever shall remoue, desspose of or Conveye away any Tarr or Coales that thereby ye seasure thereof might be obstructed, or shall be instrumentall to ye propagating of the same, Each person soe offending, shall from time to time for Each Defect forfitt ye sum of Tenn pounds in mony, which shall be recovered by a due Course of Law; one Third part of which fforffiture shall be to



THE ROWLAND ROBINSON HOUSE, NORTH KINGSTOWN.

Here lived the "Unfortunate Hannah Robinson" whose romantic story is told in Updike's "Narragansett Church." The pile of stones are beneath the window where she sat and watched for her lover.

ye Jnformer, and ye other two parts shall be to ye Towne Treasury. And this order to stand in force any former Act or Clawes therein by our towne at any time made to ye Contrarey here of in any wise notwithstanding."

This contemplated wholesale destruction of the pine tree wrought the people up to the highest pitch of excitement, for fear that the "Great Benniffitt yt they haue had by there pitchwood for Candell light" would be taken from them. As a further notice to those persons who proposed to thus deprive the householders of their means of candle light, it was voted by the town "yt a Coppie of this order about

pitchwood be sett up in some publick place of this Towne which was Done”.

But there were families within the town that did not use these smoky pitch lights for illuminating purposes. Thomas Walling, in 1674, had “Tallow & Candals”. John Smith (miller), in 1682, had “about two pound of tallow Candles”. Brass candlesticks belonged to Toleration Harris and William Harris in 1681, while iron candlesticks were used by others.

On stormy days the farmer in his barn, crib or tool house spent his time looking after the farming tools; the broken shovel, handleless hoe, the toothless rake, and the broken plough share all must be mended, for spring would surely follow the winter and the time would soon come when

“Little Robin-Red-Breast  
The Thrush, Tom Tit and Sparrow  
Awake the sluggard from his nest  
And bid him plough and harrow.”

With all the duties and demands on the farmer’s time, there was now and then relaxation from them all and some recreation was indulged in.

Hunting in the woods was a favorite pastime for the men and older boys; squirrels, foxes, bears and even deer were to be found in the “wild woods”, and when they were fortunate enough to find a beaver settlement, as they often did, their amusement was turned to considerable profit, for there was a great demand for these furs, and the Indians carried on an extensive traffic in them.

Wolves were hunted for the reward offered for their destruction, and to rid the country of these pests, much encouragement was given to killing them.

Wrestling and shooting at a mark were other pastimes, although in the early colonial days this latter divertimento would have been deprecated as involving too much waste of powder and lead.

To provide pasturage and protection for their cattle early became a subject of consideration to all of the New England settlers. In Providence, in 1649, swine and goats were taxed for common charges. Wolves infested the outlying country and were a source of much annoyance to the cattle as well as to the settlers themselves. Wolf traps were located at different places around the neighborhood; William Arnold had one, so did Thomas Olney the elder, and William Field: that they were contrivances of considerable importance is evidenced from the fact that they were often referred to in deeds as boundary marks.<sup>1</sup> In Plymouth these traps were constructed by an order of the town, and on Nov. 4, 1650, it was ordered “that five

<sup>1</sup>*Early Records of Providence*, vol. i, pp. 62, 109.

trapps or more bee forthwith made by severall companies in severall Neighborhoods in the Townshipp and that Nathaniel Morton give due notice of papers of the names of such as are to joyne together for the end aforesaid that soe they may bee made and tended"; it was also agreed "that such as kill wolves to have an axe or hatchet for every such wolf".<sup>1</sup> These measures were adopted mainly for the protection of the cattle. Down in the lowlands grew grapes, barberries, strawberries, hurtleberries, cranberries, and a berry called by the Indians Sautash, a kind of currant; these latter were said by Williams to be



RUINS OF THE COL. BENJAMIN CHURCH HOMESTEAD, BRISTOL, BUILT IN 1681.

From an old photograph taken in 1859, in the possession of the Rhode Island Historical Society.

as sweet to them, when mixed with their parched meal and made into cakes, as the plum or spice cakes were to the English, and doubtless the settlers acquired a taste for these currants like their red brothers.

The medium of exchange among the settlers was seldom money, but in "Pork at 28s. hundred, wheate at 4s. 6d. Bushell, pease at 3s. 6d. bushell, Butter at six pence pound", and in the same way they paid their taxes.

Sometimes when it became necessary to hire additional help about

<sup>1</sup>*Plymouth Records*, vol. i, p. 31.



their farms they resorted to the Indians for assistance, but they kept accurate account of the time thus employed, as the following extract from an old account book will show :

“About the 20 of June 1707 mor work done for me by John Absolom	
By husking of Corn	00-03-00
and one day and a half of his son	00-01-06
more work by husking of corne	
himself 2 days and his squaw 3 days	00-07-04
and margerett one day and his 2 days	00-00-04
Young Absolom 36 days hay making Cumes	01-04-00”

And they kept as accurate accounts of the time lost by reason of a “wet day” or a “veri hot day”.

“Thomas Barns began to work the 29th or the 30th of may: lost the 4 of June half a day and the 11 of June and 18th of June Besides one wet day and one veri hot day the 20 of June wet weather most part of the day Lost”.

Daniel Neal, writing about 1700 of “The Present State of New England”, says that “The first Planters found the Grass in the Vallies above an ell in Height: and consequently pretty rank for want of cutting, but their cattle eat it and thrive very well with it”. All around the Providence plantations were broad, free-flowing rivers, the meadow lands were fertile and extensive, as the long list of greater meadows which are found frequently referred to on the records will testify. The rank grass which the early settlers found at first growing so luxuriously on these numerous tracts, soon made way for a finer and more suitable fodder for the cattle of the settlers.

The colonial farmer looked carefully to his stock; wild beasts invested the wildwoods and the cattle were in most cases housed at night. Bells were attached to the cows in early times as they are now, so that their wandering might be traced, and the task of watching and driving them was assigned to the children. But with all the care that was bestowed they frequently wandered away from their owner and mingled with other herds, or were found straying along the road or roaming the woods and meadows.

Around the Indian villages were numerous dogs; these noisome, vicious creatures had become so great a nuisance to the settler on account of their worrying the cattle that, in 1667, the town ordered that

“Vallentine Whittman [who was an Indian interpreter] and Thomas Clemence shall goe into the Jndian dwelling at pomecansett, And unto other Jndians living neare this Towne; And warne them to Take som Course with their Dogges to keep them from ffalling upon the English Cattell or Else they must Expect to have their Dogges Killed”.

This unique and diplomatic communication was doubtless taken notice of and the Indian spared the penalty of having their "Dogges" killed.

Every owner of cattle had a mark by which the latter might be identified when found straying at large or causing mischief in unfenced corn fields. These brand marks were required to be recorded or registered on the books of the town. While no particular book was used for this purpose, they may be found scattered here and there among the faded pages of the record books of many towns, recorded thus:

"Joseph Mawrey his Brand marke for horses is I M on the neere Buttock, His Eare marke for Cattle is, a Cropp off of, the topp of ye Right Eare, & a halfe penney under it behind the Eare".

"The Eare marke which John Browne giveth his Cattle, is in Each Eare a hole".

"The Eare marke which Henry Mawrey gives his Cattle, is a Cropp off from the Topp of the left Eare & a halfe penney Cut out of the hinder part of the same Eare".

"The mark which Thomas Harris Junr Gives his Cattell is a fork in the Topp of both the Eares; Jt being the marke which his Grandfather, the deceased Thomas Harris formerly gave his Cattell, or to say, marked them with".

As the cattle frequently passed from father to son, upon the death of the other, this preserving them as family marks was a convenient way of saving to the poor dumb beast their auricular organs, otherwise it would have resulted in very materially reducing them in size and perhaps in usefulness, for

"The Marke which Edward Manton Gives his Cattle is a Cropp of of the Topp of ye left Eare".

The æsthetic taste of the colonial farmer may be seen in the mark which Zuriell Hall gives his "Cattell is a Cropp of the Topp of the Right Eare & a *flower deluice* on the left".

With this artistic design waving in the air, stimulated by the action of countless flies as

"Clarine Peach-bloom, and Phoebe Phyllis  
Stand knee deep in the creamy lilies  
In a drowsy dream",

there was a certain appropriate blending of the whole composition.

When horses or cattle were found astray the finder took them into his charge and informed the town clerk, who posted a notice thereof in some conspicuous place and also spread a record of the same upon the town books. This entry was made apparently upon the first page he came to when he opened the book, as often following the record of the birth of a child as preceding a deed or the findings of a "Crowners Quest", and the entries read:

"Upon the 18th day of January 1678 William Whipple made Proclamation of a stray horse that he had taken up the description of the said is as followeth for Colour bay, branded on the foreshoulder with X the two hind feet with a white in the forehead, with a small white on the Nose, Dock somewhat short of stature something small".

"January ye 23d 1667 William Haukins junr. gave notice to be Recorded that he upon the 22d of this Instant took up a Stray maire of a darke bay Couller with fowre white specks of saddle gauls thre on the left side and one on the Right side and a white Speck, on the hinder part of the neere foote before neare the hoofe and marked with a fore Gad on her right Eare".

Horses were highly valued, for in early times they were the only means by which the settlers could travel about unless they went afoot. The finding of a horse was advertised much more extensively than the taking up of cattle. In 1652 there was found within the township a stray horse for which no owner appeared, and in addition to the usual form of recording the find and giving notice, the town clerk was ordered "to write unto Mr Adderton Mr Browne & Mr Winthrop touching a stray horse weh was taken up the 27 of the 3d moneth last that notice may be given to the Countrey about him that the true owners may have him restored."



SAUNDERS HOUSE, NEAR ASHAWAY,  
Erected about 1740.

In the taking up of stray cattle due formalities were observed, and the entries read:

"October ye 21st 1719

"Then Edward Hawkings junr gave notis that he had taken vp three stray Cattle one brown Cow haueing no Eare marke and one two and vantage heffer of a Red Culler Earemarked with a slitt in Each side of the Left Eare and the top of the Right Eare Cutt of : the other a yeare and vantage hiffer of a brown Culler with a white face haueing no Eare marke".

"December ye 24th 1717

"This day Ensign Epenetus Olney Gave notis that he had taken up a stray steere of a yeare and vantage old being of a Red Culler and Eare marked with a crop of on the Left Eare".

"March ye 13th 1702-3 John Browne gave notice that there was a Stray beast com to his Cattle he hauing made much inquiry but cannot yet find any owner. The beast is a heifer of a yeare old and Vantage



of Colour a kind of a Browne marked on the left Eare with a Cropp, or a kind of a fork; some small matter of white under her body”.

The annoyance which these wandering cattle produced is shown by the notice which James Thornton filed with the town clerk regarding a horse which came unbidden within the bounds of his farm, for his troubles are set forth with much detail in the following writing, which by some curious combination of circumstances is found twice recorded on the old town record book:

“This writeing may Certifie all Persons that I James Thornton of ye Towne of Providence in ye Collony of Rhode Jsland &c: have taken up a certaine horse, a Smale one, of Colour Sorrill haveing a white face, the which horse jumpt over my fence into my Meaddow, Continually doeing of me damage amongst my Grass I severall times hunted him away, but Could not keepe him out, whereupon I was forced to take him up & to secure him, intending to have him Proclaimed & Enter him a Stray; But there being no Pound in the Towne was Constrained to secure him in my yard; But in ye meanwhile heareing of the owner of ye horse, that is said to be a man which went from our Towne to Block Jsland a Souildiar, his name I doe not know; I could not Proceed wth him as a stray, but as a Trespasser, And therefore must & shall Endeavour to secure sd horse for ye Space of one yeares time from the 7th day of this Jstant July 1709: And if the owner of sd horse doe not come to looke after him before the End of ye said time & pay ye damage & my Charge & trouble about him, then when said time is Expired, I shall Repare to those in Authority & Request of them to dispose. concerning said horse in order as the law in such Causes Requires, that so I may have my damage & Cost paid out of Said horse & then the overpluss (if any be) may be to the Lord of ye ffee, as ye law directs: The aforesd horse was upon the 7th day of July 1709, by John Whipple & Thomas Angell apprizd at Twenty & five shillings. They being both of sd Providence.”

Many laws were enacted for the protection of the cattle, for on these beasts depended much of the comfort of the household; milk, butter and cheese were most important products of the farm and without the cattle these were denied to the settlers. Cheese vats, called in the old inventories “Cheese flats”, and churns were the property of nearly every householder.

It was to provide pasturage for their cattle that many of them established their homes so far from the compact part of the town.

With the lands which were purchased, assigned or laid out to the early settler there was nearly always included a “share of meadow” or “a piece of Meaddow”. These meadows are variously referred to: “Christopher Smith his ffirst share of meadow is A Swampe”.<sup>1</sup> Another meadow belonging to Smith is described as “hauing a narrow

<sup>1</sup>*Early Records of Providence*, vol. i, p. 55.

slang goeth from it". Epenetus Olney had a "meddow lying on the South Side of the River". William Field had shares of meadow lying upon Moshassuck River. In nearly every case the meadow is situated near a brook or river.

Few settlements were made in New England where the land was better watered than in Northern Rhode Island. Large rivers, like the Blackstone, Moshassuck, Woonasquatucket and Pawtuxet, flowed all around, while countless brooks and streams wound in and out between the lands through which the rivers found their way to the salt water. "The early settlers did not attach the same signification to the word meadow which now belongs to it in New England, where it means low, swampy land, without regard to the mowing. They called by the name meadow all grass land that was annually mown for hay, and especially that by the side of a river or brook, and the meaning of the word was the common one in England, whence they brought their language".

Some of these meadows were extensive tracts of land and became conspicuous geographical land marks. They had names given them by reason of their location and sometimes by virtue of their ownership. There was the Great Mattety meadow, Mashapauge meadow, Observation meadow, Great meadow, Many Holes meadow, Cranberry meadow, Wanskuck meadow, Mashantitut meadow, Reddock's meadow, Ways meadow, and Benedict's meadow. The meadow of Many Holes suggests a word now obsolete, but which finds many references among the land records; this is the word "hole". J. C. Atkinson in his "Glossary of the Cleveland Dialect"—a dialect spoken in a district of Northumberland, England—gives "Holl, a deep narrow depression in the surface of the land or place of no great longitudinal extent". Some of the places designated in the early records as holes can even now be identified, and show that such a name was given to deep places in brooks or very deep swampy sections, such as "Hawkins' Hole" in Johnston and Deep Hole on the Woonasquatucket; besides these there was the Devell's Hole and Dayle's Hole; but in Groton, Mass., its significance was apparently different, for in that town the record of Joseph Parker's land speaks of an acre lying "In a hole neare the Angle medow" and land containing two holes or three of swampy meadow, and Timothy Allen's grant mentions three acres at "Skull hole".

On the west side of the river, in Providence, nearly opposite to the home lot of William Hawkins and Christopher Unthank,<sup>1</sup> or where Wickenden street now appears, there was a point of land called by the name of Cowpen's Point, where, in 1657, John Crossman was accommodated with some land;<sup>2</sup> this geographical feature of the country has

<sup>1</sup>Hopkins's *Home Lots of the Early Settlers*, map.

<sup>2</sup>*Early Records of Providence*, v. ii, p. 92.

long since been obliterated; the foot of South street, however, serves to designate to-day its location. This name was evidently derived from the use which was made of this tract of land. Cowpen's Point naturally was surrounded with water, except on one side, and could be approached only from one direction from the land. Protect this side and it was secure from the depredation of wild beasts and would be a comparatively safe place wherein the "kine, horses, goats, sheep and swine of the settlers could be assembled and cared for at night".

A night pasture was the public institution preceding nearly all others in the planting of a New England town. That of Boston was established in 1634 by the following order: "Item That there shall be a little house, built and a sufficiently payled yard to lodge the cattell in of nights att Pullen's poynt necke". We find the name in Boston records as late as 1699 attaching to a field at Rumney Marsh. The "night Pasture" of Roxbury is frequently mentioned in deeds and other conveyances, while Concord, Groton, Salem, and other towns of early origin afford in their annals abundant proof that the custom was universally observed of driving the common herd afield daily during the season of forage, under the care of children and keepers. In Watertown this enclosure was called "Cowpen" or wolf pen.

In 1634 William Wood, in "New England Prospect", says "a few posts and rayles . . . keepes out the Wolves and Keepes in the Cattle".<sup>1</sup> That it was the custom of the early settlers of Providence to pursue such a course with their cattle is shown by the instrument called "Dexters Plaisster", endorsed by Thomas Clemence, wherein it states that "the Cattell Going so far in one day to feed as they might Come home at Night".

Cowpen's Point without doubt was the night pasture of the settlement, and quite likely had its "payled yard" for the better security of the little herds of the colonists. "Wolves were to the pioneers of New England the most troublesome of all wild beasts, being often too cunning to be trapped, too cowardly to come within reach of the gun and fearfully destructive in the midnight forays upon the unhoused flock".<sup>2</sup>

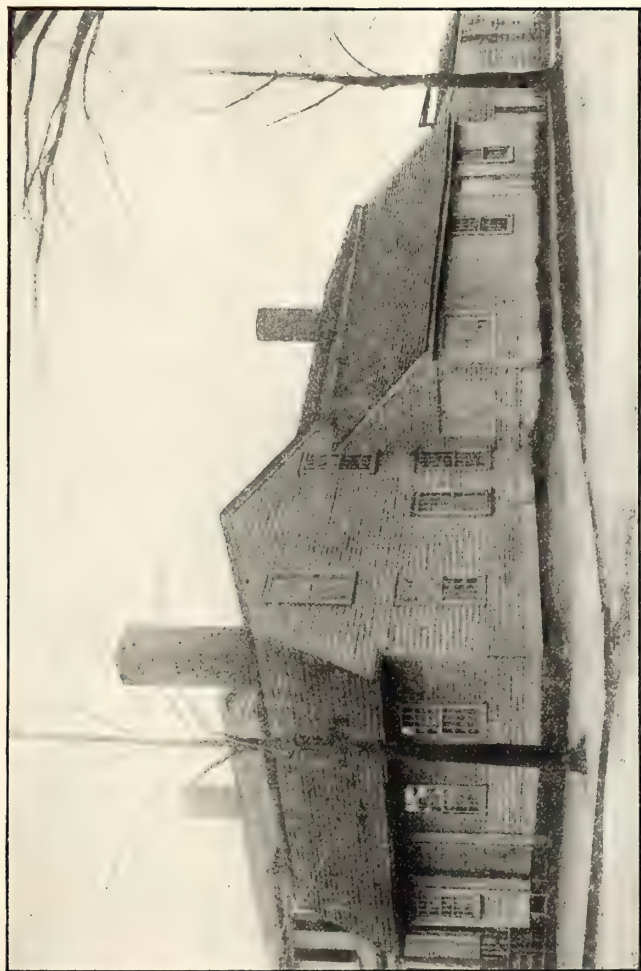
In 1659 it was ordered by the town of Providence, as an encouragement to the killing of these pests, that any one who kills wolves shall have "a halfe penny a head for each head of catel, they who kill the wolfe to gather it upp",<sup>3</sup> and there are many entries upon the records where "the head of a wolfe" was brought in to the town clerk, and the fact duly certified. Sometimes these bloody trophies were brought in and "set up in a public place in the town". June 18, 1687, Nimrod, an Indian, brought in the heads of five young wolves, which he killed.

<sup>1</sup>*Annals of Lancaster*, p. 21.

<sup>2</sup>*Ibid.*

<sup>3</sup>*Early Records of Providence*, v. ii. p. 122.





BURR'S TAVERN, WARREN, R. I.

One wolf catcher had carried his business to such an extent that he petitioned the town to have a part of the Common land set off to him as a reward for his services.<sup>1</sup>

In the early part of the eighteenth century taverns or public houses of entertainment became quite common throughout New England. When the privilege was granted by the town to carry on such a public institution, there were certain regulations which governed their conduct. No unlawful games, such as "Carding, Dicing, Slide groat", etc., were to be permitted at the tavern. Carding and dicing are common enough in these days, but Slide groat was an old-fashioned game of chance which is even now sometimes indulged in, and is called by the name of "Shovel Board" or "Shuffle Board". In early days it was played by pushing or shaking pieces of metal or money to reach a certain mark designated on the board used in the play, and it is not difficult to see where the mischief of the game comes in. It was also stipulated that no "Evil Rule" should be maintained within the tavern which might have a bad influence on the persons who might there congregate. With an eye to the welfare of the younger element in the community, apprentices and boys were forbidden to frequent taverns or ale houses. Liquor was sold at the tavern as a matter of course, for our colonial fathers and mothers did not regard drinking as an evil habit. Tavern licenses, if we read the records regarding their grants correctly, were only issued to the "likeliest persons", and those who were fortunate enough to come within that class were expected to conduct their hostelries "to ye best of their skill & abilities".

The first taverns or inns were almost entirely places of resort for drinking and its incidental sociability. Beside this they served to diffuse the news of the times. They were the common resort of the people. The main room of the tavern was the one inviting and attractive place. Here was the great fireplace, adding its cheer to the surroundings; while carelessly arranged on the sanded floor were a settle or two, a form, chairs, stools and chests.

"The chest contrived a double debt to pay  
A bed by night, a chest of drawers by day".

In the corner, perhaps built into the wall, was the "bowfatt", as it was sometimes called, or a "cubbard" or press, where the liquors, the quart pots, the pint pots, the gill pots and other vessels were kept. There was also another indispensable article, which was as much a part of the barroom furnishings as the pots and bowls, and which usually hung by the fireplace. This was the "logger head", "hottle", "flip dog", or flip iron, or by whatever name it was called. This was used

<sup>1</sup>*Providence Town Papers.*

when heated to give to certain mixtures a burnt, bitter flavor. Sometimes this became so worn from frequent heatings that it had to be turned over to the tender mercies of the village blacksmith before it could do the work which was expected of it. On the account book of Henry Bowen, who kept the old tavern at Barrington, R. I., for many years, there is the entry of the charge for repairing his flip iron and it reads, "For mending flip iron /8".

Over all this presided the landlord of the hostelry, who, next to the town clerk, was the most important personage in the town life. He was thoroughly informed on all public matters and generally on private matters as well. He was the confidant of those who gathered around his fireside, and he always held public office, for that was the



RUINS OF COLE'S TAVERN, WARREN.

A famous tavern of Warren, formerly standing at the corner of Main street and what is now Joyce street. This hostelry was established in 1765, and was destroyed by fire in March, 1893.

prerogative of the tavern keeper. In many of the old taverns the Town Council held its meetings. Notices of publishments of marriages, of auctions and stray cattle, and the Town's Acts and Orders were there posted.

It was the privilege of the magistrate to perform the marriage ceremony, always satisfying himself, however, before doing so, that the banns had been regularly posted on "some eminent tree" as the law required.

All these duties brought the tavern keeper into close communion with his fellow men and contributed largely to the influence which such persons always exercised in the community of which they were a part. Merry parties, too, congregated in these old inns, and around



the blazing fire supped their flip, toddy and other seductive drinks of colonial days. There is an ancient rhyme which describes with great clearness a convivial party thus congregated. It gives us the banter and coarse jest of the tap-room and throws much light on the character of the conversation, when a congenial crowd met together for the purpose of paying their bets and gossiping about their neighbors. It is in these words:

“Landlord, to thy bar room skip,  
 Make a foaming mug of flip—  
 Make it of our country’s staple,  
 Rum, New England sugar maple,  
 Beer that’s brewed from hops & Pumpkins,  
 Grateful to the thirsty Bumpkins.  
 Hark! I hear the poker sizzle  
 And o’er the mug of the Liquor drizzle,  
 And against the earthen mug  
 I hear the wood’n spoon’s cheerful dub,  
 I see thee landlord taste the flip;  
 And fling thy cud from under lip,  
 Then pour more rum the bottle stopping,  
 Stir it again and says it’s topping;  
 Come, quickly bring the humming liquor,  
 Richer than ale of British vicar,  
 Better than Usquebaugh Hibernian  
 Or than Flacus’ famed Falernian,  
 More potent, healthy, racy, frisky,  
 Than Holland’s gin or Georgia’s whisky.  
 Come, make a ring around the fire  
 And hand the mug unto the squire;  
 Here, Deacon, take the elbow chair,  
 And Corporal Cuke, you sit there;  
 You take the dye tub, you the churn,  
 And I’ll the double corner turn.  
 See the fomenting liquor rise  
 And burn their cheeks and close their eyes;  
 See the sidling mug incline,  
 Hear them curse their dull divine  
 Who on Sunday dar’d to rail  
 Against B——’s flip or Downer’s ale.  
 Quick, landlord, fly and bring another,  
 And Deacon H. shall pay for ’tother;  
 Ensign and I the third will share,  
 Its due on swop for the pyeball mare”.

Flip was an immensely popular drink in those days and so continued for many years, and even now cannot be said to be out of popular favor. There were many ways of preparing it. One of the most popular is said to have been of “home brewed beer”, sweetened with sugar, molasses or dried pumpkin, and flavored with a liberal dash of rum, then stirred in a great mug or pitcher with a red hot hottle or flip dog, which made the liquor foam and gave it a burnt, bitter taste. Battered flip was sometimes called for, but this was the same concoction with the addition of beaten eggs or whipped cream.

Space does not permit any extended account of this peculiar New

England institution, the tavern. With the changes that have taken place it has ceased to exist as our grandfathers knew it, but its influence as an educational factor in the life of early New England will always remain.

Curious names were conferred upon the children in colonial days. Thomas Olney of Providence had a son Epenetus, a name from the Greek, and when transferred to the Latin form is written thus: E-pæn-e-tus, the accent being on the second syllable; it means "praiseworthy". This, like many other names bestowed in early times, was taken from the Bible. Of course there were the usual number of persons bearing the names of John, James, Abigail, Patience, Henry, Robert, William, Elizabeth, Margaret, Sara, and many others. As well as the more common names taken from Holy Writ, like Gideon, Daniel, Ephraim, Simon and Zachariah; Mary, Susanna, Rebecca, Esther and Ruth, but in addition to these there were names which it would seem were brought forth after long and persistent search to find something strange, unique or uncommon, and the result was colonial parents inflicted names upon their offspring which must have almost retarded their growth. Philip, Hope and Experience were given as names to both boys and girls. Alexander Balcom had a son named Freegift; Thomas Estance and Estance Thomas, supposed to be father and son, were joint partners in the purchase of a parcel of land from Stephen Paine in 1674; Robert Burdick of Newport and Westerly had a daughter Tacy; Thomas Butts of Little Compton had a son Idido; Hannah George of New Shoreham married Tourmet Rose; Teddeman Hull was a physician of Jamestown, R. I. The wife of John Saunders of Westerly was named Silence, and the records preserve the same silence as to her surname.

Some of the names have a certain appropriateness, for Endcome Sanford died young, so the record says. While his brother Restcome died *unmarried*. It is seldom that such uncommon names are combined in one family as in that of John Tyler of Portsmouth, for his children were Lazarus, Miriam, Tamar, Question and Friendship.

William Harris, with whom Roger Williams had lifelong controversies, had a son named Tolleration, and a daughter Howlong. Horod or Horrid Long, of Newport, was a woman of many names, and the history of her life is as horrid as the name she bore.

The most wonderful name and one which was the least likely to have been selected from all the names appearing in the Bible was that of Mahershalalhashbaz, and there were, previous to 1680, two persons in the Colony bearing this name, one a daughter of Samuel Gorton of Warwick, whose peculiarities brought upon him no end of troubles, while the other was a son of Mary Dyer, she who was hung for the

crime of being a Quaker, on the grounds now comprising the beautiful Public Garden and Common in Boston.

No law seems to have been more persistently disregarded in the early years of the Colony than the law for recording births, marriages and deaths. The importance of these records, so carefully and minutely kept in Old England, early engaged the attention of the authorities in the settlements in New England. In Providence as early as 1655 it had been ordered by the town that "all persons joining in marriage, all parents of children new borne and all executor ( ) or next friends to persons dieing shall Record in ye Towne ( ) names and times of their maring of their children new Borne & the Burreill of their friends paying 3s. to ye Town Clerk for their record & this under ye Penalltie of paying 5s. for each neglect".

Neither the fee for complying nor the penalty for neglecting seems to have influenced the majority.

Marriages were more often recorded than other vital records. In colonial days this ceremony was performed by the magistrates, and this form, used to give notice of the fact, is found in the following paper yet preserved:

"Prouidence October the 24th 1705

"These are to Declare to all persons that there is an intention of marrig betwen Benjamin Westcot of prouidence and Bethiah Garner of Kings Towne that if any person hath just Cause to Shew to the Contorairi they may be under Shew there Reasons or ales Euer after hold there peace".

Sometimes the magistrates would attend to properly recording these events upon the books of the town, but more often they would make a record upon a book kept for the purpose or upon sheets of paper; several of these are among the Providence Town Papers and many such marriages have never appeared upon the public records.

Justice Thomas Fenner during the year 1711 made use of a little almanac in which he notes these "unions of families and fortunes". It is a curious little book, three and one-half inches wide by six inches in length, containing eight leaves.

This old almanac was doubtless kept carefully in one of his chests, for it does not appear that he was the owner of a desk, and from time to time as a marriage was performed by him it was duly recorded on the margins of the pages in the book; from it we learn that

"Samuel Bats and Mary Corpes married  
Janerary the 23 1710 or 11  
Samuel Relaf junor and Joane Spicer  
was joyned in marriage March the 15 1711  
On the 27th of June Experience Mitchel  
was married



Mr Jonathan Sprague and Hannah Cook  
joyned Jn marriage on the 3 of August 1711  
John Corp and patiance Gorton was  
married on the 18th of October 1711”.

Another marginal note states that “the 2d munday Jn Nouember Js to be a Councill day”.

There were some peculiar marriage customs and ceremonies in colonial Rhode Island, as may be inferred from the following abstracts:

“In the town of Newport in the Colony of Rhode Island and on the 13th of September 1714, John Gavett of the town and county above said did meet with Sarah Stephenson widow, in the street within



JAHLEEL BRENTON HOUSE, NEWPORT, ERECTED IN 1720.

the town abovesaid stark naked save only her shift and they being lawfully published the said John Gavett did accept in marriage the above said Sarah Stephenson stark naked save only her shift without housing or lands or any personal state whatever, and in said street I did join together in marriage the above said John Gavett and Sarah Stephenson on the day and year above said as witness my hand and seal hereto affixed.

Nath'l Sheffield Assistant.”

A similar case is recorded in the records of the town of Warwick, wherein appears the following entry:

“These are to signify unto all ministers of justice that Henry Strait Jun of East Greenwich in ye colony of R. I. & Prov. Plantations took Mary Webb of ye town of Warwick in ye colony a fousd. widow in

only a shift and no other Garment in ye presns of Avis Gordon May Collins and Presilar Crandall and was Lawfully Married in sd Warwick ye first of August 1725 by me Recorded ye 5th of Nov 1725 Pr John Wickes T. C."

In South Kingstown this same curious custom prevailed, and it is there recorded that "Thomas Cullenwell was joyned in Marriage to Abigaile his wife the 22d day of February 1719-20. He took her in Marriage after she had gone four times across the Highway in only her shift and hair lace and no other clothing. Joyned together, in marriage per me George Hassard Just".

In these days of the elaborate and expensive wedding trousseaux it is difficult to fully comprehend how simple and inexpensive was the wedding outfit of the colonial dames.

But this custom was not a common one; so far as the records show no such ceremony was performed north of the town of Warwick; isolated cases are, however, recorded in Newport, Warwick, South Kingstown and Richmond. It is related that these weddings occurred at "midnight", "between daylight and dark", and usually on the highway or where "four roods" met, and after crossing the road four times; what this had to do with the proper performance of the ceremony cannot be easily determined, but the reason for the scanty outfit, even in September and February, is perhaps better understood. It probably arose from an erroneous popular reasoning on the English Statute concerning marriage, the words of which are thus: "The husband is liable to the wife's debts contracted before marriage, whether he had any portion with her or not, and this the law presumes reasonable, because by the marriage the husband acquires an absolute interest in her personal estate", and thus they reasoned that as the wife brought nothing to the husband, he could not be held liable for any lurking indebtedness which might have survived the late departed.

The advantages which were offered to the early settlers in Rhode Island for maritime pursuits were soon recognized by the colonists. As early as 1652 a little trading vessel, called the Providence of Pequit, was plying between Providence and perhaps other colonial ports and Newfoundland.

One of the dangers of the seas in those days, it seems, was "leakage", not such, however, as would be occasioned by imperfect coöperage or evaporation, for when the vessel finally arrived in Providence a considerable shrinkage in the return cargo of liquors was noticeable; this, combined with a dispute regarding the freight charges, brought about a suit at law which involved all of the crew of the vessel and parties to the venture; in fact, became of such consequence that a special act was passed by the town, providing a legal

process for William Almy to prosecute his suit in behalf of his son Christopher, who was a minor.

A similar case was that of the *Friendship*, a vessel which arrived in Boston during the summer of 1631. A portion of her cargo was said to consist of two hogsheads of metheglin and was consigned to parties in Plymouth. When this vessel arrived at Boston this liquor was transferred into wooden flaglets and the ship proceeded to Plymouth. Upon reaching there and the liquors being turned over to the consignees, to their great surprise there only remained six gallons of the two hogsheads originally shipped, it having been "drunk up under the name leakage and so lost". The responsibility for this great shrinkage was finally determined and the metheglin loving parties were duly brought to justice.

Few records are found that give a satisfactory story of the vessels which were tied up at the wharves or lay on the stocks along the water side of Narragansett Bay.

In 1681 Joseph Wells, living on the Pawcatuck River, built for Alexander Pygan, Samuel Rogers and Daniel Stanton a schooner called *Alexander and Martha*; the specifications for her construction say "the length to be 40 and one foot by the keel from the after part of the post to the breaking afore at the garboard, 12 feet rake forward under her load mark and at least 16 feet wide upon the midship beam, to have 11 flat timbers and 9 foot floor and the swoop at the cuttock 9 foot and by the transom 12 foot, the main deck to have a fall by the main mast, with a cabin and also a cook room with a forecastle."

For this vessel the builder was to receive an ownership in one-eighth and "£165-£16 in silver money; the rest in merchantable goods".

The owners, however, were to furnish the nails, spikes, bolts and other iron work.

This vessel, built almost within Rhode Island territory, when completed sailed from New London; she was considered a large keel in her day and was probably a good type of the greater part of the ships of that period.

The vessels at this time were schooners, brigs, sloops, pinnaces and snows; the latter being a vessel which would now be called a brig. It was the largest two-masted vessel of this period and was distinguished from the brig by having a square main sail below her main topsail; a fore and aft sail being also carried upon a small spar fitted to and just abaft the main mast.

In the original brigs this fore and aft sail was set upon the main mast itself, and was the main sail; in the snow it became the spanker.<sup>1</sup>

In those early days the masters of vessels had little to aid them in

<sup>1</sup>*Life aboard a British privateer in the time of Queen Anne*, Leslie, London, 1889, p. 13.



ascertaining their whereabouts on the trackless ocean, and they were mostly dependent on dead reckonings for their longitude.

Such instruments as were at hand were crude and unreliable. Chronometers were unheard of, and time aboard English frigates was reckoned by the "glass", and three glasses was an hour and a half.

The charts of the time were imperfect and the instruments for observation that were used in the time of Columbus were at this period still found aboard vessels sailing in Narragansett Bay.

In 1716 Capt. John Dexter, of Providence, while on a voyage, doubtless from the West Indies, for his cargo was molasses and sugar, was stricken with small-pox and his ship put into Saybrook, Connecticut, where he died. The inventory of his estate gives a good idea of what instruments and appliances were used by the "ancient mariner".

The values of these old inventories in studying the history of colonial times cannot be overestimated, for they give to us details of personal belongings in those days which can be derived from no other source.

Among Captain Dexter's effects were a Quadrant, Gunter's scale, a Nocturnal, the "vaines of a fore staff", "The English Pilatt", a pair of dividers and "2 Prosspect Glasses", and this collection was a most complete set of instruments for use in navigation.

The quadrant was undoubtedly the instrument designed by John Davis, the celebrated navigator, and which was used from the year 1594 down to 1731, when Capt. John Hadley laid before the Royal Geographical Society the quadrant which has since borne his name.

The "vaines of a fore staff" refer to a more interesting instrument, for the forestaff was used as far back as the time of Columbus. The instrument itself was called the cross-staff or forestaff, and was simply a four-sided straight staff of hard wood, about three feet long, having four cross pieces of different lengths made to slide upon it, as the cross piece does upon a shoemaker's rule. The cross pieces or vanes "were called respectively the ten, thirty, sixty and ninety cross, and were placed singly upon the staff, according to the altitude of the sun or star at time of observation; the angle measured being shown by a scale of degrees and minutes intersected by a cross piece on that side the staff to which it (the cross) belonged".<sup>1</sup>

The Nocturnal was used in latitudes north of the line, it giving the hour of the night "by observing with it the hands of the great star clocks, Ursa Major and Minor, as they turned about the Pole Star".

The dividers and Gunter's scale were used in the calculation after the observations had been made.

There are many books on Navigation, like the English Pilot, Seaman's Secrets, Seaman's Practices and Practical Navigation; besides,

<sup>1</sup>*Life aboard a British privateer in the time of Queen Anne*, London. 1889.

there were almanacs containing much that was essential to the mariner; these were mostly printed in London, and were found aboard all vessels bound on long voyages.

The demand for various kinds of sailing craft for the coasting trade and deep sea voyages brought to the Colony the industry of ship building, which thrived in the Colony for more than a hundred years, and the sound of the broad-axe, the tap of the caulking hammer and the sharp ring of the anvil went up from the shore lands along the bay.

Rhode Island built up her wealth from the sea, her vessels sailed to every port in the world; Warren, Bristol, Newport, Greenwich and Updikes Newton, now and long called Wickford, were all great shipping centers, and the riches of the Indies found their way into the Colony's ports.

So numerous were the crafts in all the great foreign ports from Rhode Island, and so great was her reputation as a maritime colony, that it is said "from a period long preceding the war of the Revolution the term 'Rhode Islander' had come to be synonymous with a born sailor".

The fisheries drew large numbers of vessels and loans were made by the Colony to promote them; many a whaler sailed from these ports for the leviathan of the deep, and there may be found to-day in many of the old homesteads in these towns, arranged on the mantel or adjusted in a corner, relics of these long sea voyages.

At the Providence town meeting held on the 25th of March, 1687, there appeared a young Scotchman, who humbly presented his petition in which he "desired of ye towne to Reside amongst them & here to follow his way of dealing in goods". This man was Gideon Crawford from Lanark in Scotland. He was thirty-six years of age, having been born December 26, 1651; and was said to be of noble birth. The privilege which he asked of the town was granted, and this Scotch merchant and trader actively participated in the commercial ventures which soon followed his coming.

The next month after his petition to the town for the privilege of "dealing in goods" had been granted, he married Freelove Fenner, the daughter of Capt. Arthur Fenner. His son, John Crawford, continued the great sea trade which his father had established. His vessels, the Dolphin, Sarah, and the Indian King, made successful voyages and their cargoes brought to the people of Rhode Island articles of household use, utensils and fabrics, which before had only been obtained from the shops in Newport and Boston.

A new era was marked in the domestic circle. China ware and many other articles which had been hitherto unknown now began to be found in the houses of the more fortunate.

Fabrics of various kinds came gladly welcomed by the colonial

dames: Holland muslin, calico, Bangall tape, "cambric kenting", cherry derry, silk stockings, edging laces, silk fereting, combs, gloves, swanskin, alamode remaul silk, romaul "moheaire", cantaloons, crape, calamineo, cheeks, druggets, camblet, baize, broadcloth, poplin, silk crape and shalloons. Many of these have long since passed from memory and from the dry goods lists.

Mrs. Earle, in her admirable treatise on "Costumes of Colonial Times", resurrected from the files of old newspapers and family letters much valuable information relative to this subject. "Cherri-dary", she says, was an Indian cotton stuff much like gingham, used for gowns, "wastecotes", and aprons.

Fereting or ferret was a narrow ribbon or tape used for binding. Swanskin, Fairholt says, was a thick fleecy hosiery. "But from early days we read in American newspapers of runaways in Swanskin jackets and also of Ellwide Swan skin for Ironing cloth, which would seem to point to its being a cheap fleecy cloth like Canton flannel".

Alamode was a "plain soft glossy silk much like lustring or our modern surah silk but more loosely woven".

Persian silk or Persian was a thin silk, chiefly used for cloak and hood linings or for summer wear; while romaul was an East India silk.

Some of the other fabrics found among the list of goods which were a part of the stock in Crawford's store are not found described in this book, nor can information regarding them be obtained.

Others are of such common knowledge that the mere mention of the names serve as a description, like crepe, poplin, broadcloth, etc. As time advanced many of these fabrics were produced in the various mills which sprang up on nearly every stream with the growth of the factory system.

The custom in early times to name the trade or calling of a person whenever his name was mentioned in deeds or other instruments leaves no doubt as to what sort of labor would be furnished by John Smith mason, Henry Fowler blacksmith, and Henry Neale carpenter.

All of the colonists had more or less rudimentary knowledge of the use of the tools belonging to the trades most in demand; the carpenters, the masons and the blacksmith, and had such tools in their possession. By a custom of exchange growing out of the necessity each one of the colonists had a well-nigh complete set of such implements at his command as was necessary for ordinary use.

The skilled carpenter was the craftsman most in demand. It was he who was to contribute to their domestic comfort; he had learned his trade in old England or perhaps in Holland, and under his guiding hand and watchful eye the hardy colonists soon became earnest apprentices.



The earliest carpenter of whom there is positive evidence by a curious coincidence was William Carpenter. He came from Amesbury, Wiltshire, England, and was one of the early comers to the Rhode Island Colony. He was conspicuous in its affairs and held many important trusts. None of the deeds which he executed or those conveying property to him, and they are many, for he was a large land owner, make any reference to his trade or profession. There is, however, a petition in the handwriting of Howlong Fenner, who was the daughter of William Harris, addressed to the "Honoured Cort Sitting at New Port on Rhod Ile land the fourth day of May 1708". It is a narrative of the troublesome and vexatious Pawtuxet controversy which well-nigh upset the whole Colony. In it she says:

"I am Prest in my Spirit to lay before your Consideerrations the many Strang and Strong undermining Trancactions acted & done by those men Called Pavtuxet men. I haue Seuerall times heerd my honoured father giue a Relation of the settlement of the plantation of the Town of Prouidence I heerd my father say that himself with the other twelue agreeded among themselves to lay out to every man a Share of meddow and then to cast a Lorts and so they that set to my father by lot did and they that see cause to set theire houses by their meddows and my father did settel by his meddow Old mr William Arnold laid out my fathers meddow Old mr William Carpenter built the house for my father by my fathers meddow and my father settled down by his meddow."

This old stained manuscript, which has been hidden for years among other old papers, gives us the name of one of the early builders.

There can be no doubt of the person, for there was only one Old Mr. William Carpenter. But there is other evidence to confirm the statement that he was a carpenter, and that is the inventory of his estate. Besides his wearing apparel there was little else than carpenter's tools; they were "two old axes narrow ones one old broad axe one cross cut saw two tenant sawes three Clevises & two pinns one sledge & one Iron Crow tenn augurs greater & smaler two broad Chizells & two narrow ones. Three plain irons & one wenscutt plough. Two gouges two drawing knives & old burr one spoke shave & one Gennett and one adds".

William Carpenter came from Amesbury in Old England, where he had left some possessions. In December, 1671, he gave to his sister, Fridgsweet Vincent, as a free gift, "my dwelling house with what land belongeth to me adjoining to the said house the which said house is standing in the town of Amesbury in Wiltshire and in a street commonly called by the name of Frog Lane . . . the which said house did in the original belong to my father Richard Carpenter now deceased". Perhaps the house which he built for Harris "down by

his meddow" may have contained features which were inspired by the recollection of the old home in Frog Lane.

Another of the early carpenters was John Clauson, a Dutchman and a contemporary of the Amesbury craftsman.

The inventory of Clauson's estate, which is the earliest inventory to be found in Providence, shows that he was the owner of a great variety of carpenter's tools. In fact, it is a more complete collection than is found among the possessions of the later and more prosperous townsmen. These he must have acquired during his residence in the town, for Williams says he found him naked and starving in the woods, which would preclude his being surrounded with a great quantity of personal belongings.

There was a froe, an iron bench hook, hammer, inch and a half auger, inch auger, narrow axe, "hallowing plane", clearing plane, moulding plane, a forr joynter, a forr plane, a hand plane, a Broad chisell, a Sloape poynted chizell, a gouge for Carpenters works, a peareing chizell, a little hammer, a Three square ffile, 2 cold punches, 3 Brest wimble bittes the bigest The midlemost The least Bitt "and a whettstone".

This is the most interesting collection of woodworking tools and is the earliest that there is evidence of in the Colony; although this inventory is not dated, we know from the fact that Clauson's death occurred in 1660 that this schedule was prepared about this time.

Sons usually followed the calling of their father and they began their apprenticeship at an early age. Benjamin Waterman, whose grandfather added the stone end to the old Waterman homestead, erected before 1690 and which is now standing on the "Poor farm road" in Johnston, is said by his granddaughter, to whom he told the story of the changes that have been made in the old house, that his grandfather was just old enough to "tend mason" when the stone end was added to it, doubtless a mere boy. In the family of John Smith the mason, called thus to distinguish him from the numerous John Smiths in the Colony, three generations were masons, while the grandson had also the trade of joiner. James Babcock of Westerly, the ancestor of the family of Rhode Island, was a blacksmith, and so also were two of his sons. Pardon Tillinghast combined the vocations of shop keeper and cooper, and his son John was a cooper. This division of occupations was quite common, sometimes that of shoemaker and physician were combined, and then again stationer, minister and printer; such was Gregory Dexter. The Rodmans were physicians, father, two sons and two grandsons. Alexander Balcom, of Portsmouth and Providence, and his son Alexander were both masons. Benjamin Church of Little Compton, that old Indian fighter and chronicler, was a carpenter and so was his son Thomas. Stephen Harding of Providence, his two sons and a grandson were blacksmiths.

Peter Busecot of Warwick was a blacksmith, and a deposition of his taken before Thomas Olney the "11th 7th mo. '49" gives an idea of the antiquity of the individual who perambulates the city streets and sonorously shouts "Umbrellas to mend! Old tin washboilers to mend!" in other words, the tinker. It also shows that the scions from Mr. Blackstone's orchard had been brought to the point of bearing "faer fruit" early in the days of the settlement, for Peter Busecot being "Engaged saith that that man wch is commonly called the Cooper an tinker cam vnto him in Warwick to learne som of his skill to Boare holes in a pot wch he saith the Cooper said he bought at providence and paid 5s for it, but vpon discoverie he being unwilling to shew him his skill for nothing the Tinker said that if he would shew him he would give him 20 apples".



BENJAMIN WATERMAN'S HOUSE.

Between Hughesdale and Hartford Pike, Johnston, erected about 1690.

The examples of early hand forging are marvels of the ancient blacksmiths' skill. A door latch from one of the original doors to the Epenetus Olney homestead in possession of the author will testify to a degree of skill which the blacksmith of modern days with all the improved tools and appliances would find difficulty in imitating. Epenetus Olney's brother, John Olney, was a blacksmith, and this may be an example of his skill. The blacksmith in those days did not have his material conveniently shaped to be wrought into the object desired, but it was in all shapes and conditions, and it is even said that the trade of blacksmith combined both mining and smithing.

Eleazer Whipple was a housewright and built the south end of the Whipple homestead at Louisquisset. His work and that of William



Carpenter is the only work of the very earliest craftsmen that we are able to definitely identify, and there is ample testimony to vouch for this.

The mason work of the early craftsmen is, even after a lapse of years with the exposure of weather and disintegration of material, superior in many respects to the work of the mason of to-day.

The walls of the old cellar to the Fenner castle, the huge stone chimney to the Epenetus Olney house, the curiously panelled chimneys on the Manton homestead, the Smith house, Eleazer Arnold house, and the Phillips house in old Narragansett, all show a skill in selecting, cutting and placing stone that modern builders may well copy.

The panelled chimneys, five of which now remain almost in their original condition, are a peculiar type and nearly alike. There is some reason to believe that the influence of John Smith the mason is shown in these relics.



RUINS OF OTHNIEL GORTON  
TAVERN.

West of Oaklawn, Cranston,  
erected between 1710-20.

Children were "bound out" at a very early age, if one can judge by the length of time they were to serve by the indenture of apprenticeship.

Samuel Cose, a minor, was bound out to Edward Merron, to learn the art, trade or mystery of a cooper, for the space of "Eighteen years eight months and two days".

Others were to learn the "art of a cordwainer", the "mystery of a Distiller", "mystery or art of a croaswork cooper", of "ship wright", "house carpenter", "blacksmith", and "husbandman"; while females

were to learn the art, trade or mystery of "spinster" and "housewife".

Many of these ancient "Indentures of Apprenticeship", with their serrated edges or indentures, are yet preserved. They were written in duplicate, then separated by irregularly cutting the paper, so that the two pieces exactly fitted when matched together; from this feature they received their name.

Their conditions were as rigid as the Mosaic law. Apprentices were required to serve their master or his executors or administrators from the day of the date of the indenture until the minor "shall attaine and Com to the full age of twenty one years; dureing all which term the said Apprentis his said master faithfullly shall serue his secrets Keepe his Lawfull Commands Euery where obey; he shall do no Damage to his said master he shall not wast his said masters Goods nor Lend them vnlawfully to any att Cards Dice or

any unlawfull Game he shall not Play where by the said master may haue damage in his own Goods or others he shall not Cummit fornication nor Contract Matrimony with in the said term; he shall not absent himself day nor night from his sd masters seruise without his Leauue, Nor haunt aile house or Tauerns: But in all things behaue himself as a faithful apprentis ought to do dureing all the said term". And the master would promise and "Jngage for himself and his Executors and administrators to Learn and Jnstruct said Apprentis Jn the trade mistry or art of a Joyner in the best manner that I Can within the said term; and also Instruct him in the trade of a House Carpenter as I haue oppertunity: and not put him to any other seruise dureing the sd term without his Conceit; and also Learn or Cause him to be Learned or taught to Reade English and wright and Cypther so far as to keepe a Booke: and to find and Prouide for him sufficient meate Drink apparril Lodging and washing befitting an apprentis dureing all the said term: And when the said term Js Expired to sett him ffree: with as Good apparrill in all Respects fit for his body throughout as he now is in at his first Entrring into his seruise".

These latter conditions sometimes varied in the different indentures, and the master was to instruct him "in Reading and Writing and Arithmetie so far as the rule of three", "to work the rule of division", "to learn him to read a chapter in the bible if he shall be capable of learning", or "to teach him so far as to keep a book".

While many of these apprentices were children of poor parents and even town charges, yet children of well-to-do parents were thus "bound out". In 1716 William Potter was bound an apprentice to Daniel Cook. A list of the clothing which he brought with him to his new master shows that he was well and comfortably supplied; besides this it gives a most perfect description of the wearing apparel of a boy in early colonial times:

"First that which was new; a Loose bodyed Coate a streight bodyed Coate and Jacket all Casy and faced with soloone: a wosted Coate and two wosted jackets all Lined the Coate and one of the jackets Lined with solloone a paire of druget Briches Lined: a washed Paire of Leathor Briches a Caster hat three shirts two home spun ones and one fine one three paire of stokins one paire of them wosted three neck Clothes two of them silk and a paire of shoes and a paire of washed Leather Gloues: next his wareing apparril now worn but whole: A hatt Coate briches stokins and shooes. Memorandum that Cloathing which was Casy was home spun."

Soon after the settlement of the northern portion of the Colony the townsmen had discovered the great ledges of lime rocks that lay within the boundary of their purchase. This was a most necessary article for their use and contributed much to their comfort, without

which they were under the necessity of preparing lime from the shell along the shore.

William Hawkins in 1648 was granted liberty by the town to burn lime on his own lot during the pleasure of the town, and so far as the records show the privilege yet remains.

In 1661 one Hackelton was granted liberty to burn lime upon the common and to take stone and wood for this purpose. Four years later it was ordered by the town that those "Lime Rocks about Hackletons lime Killne shall be petually Common and that no land shall be laide out on the north East & south East of the saide Kilne within 6 poles nor upon the other sides, or pertes of the saide Kilne within 60 poles. This said Kilne being att or neere a place Called Seoakeganocsett", probably the locality now called Socanosset.

Lime rocks wherever located, "of any considerable quantetye according to the judgement of the Surveiors", were by order of the town in 1665 to remain common or to be considered as common land.

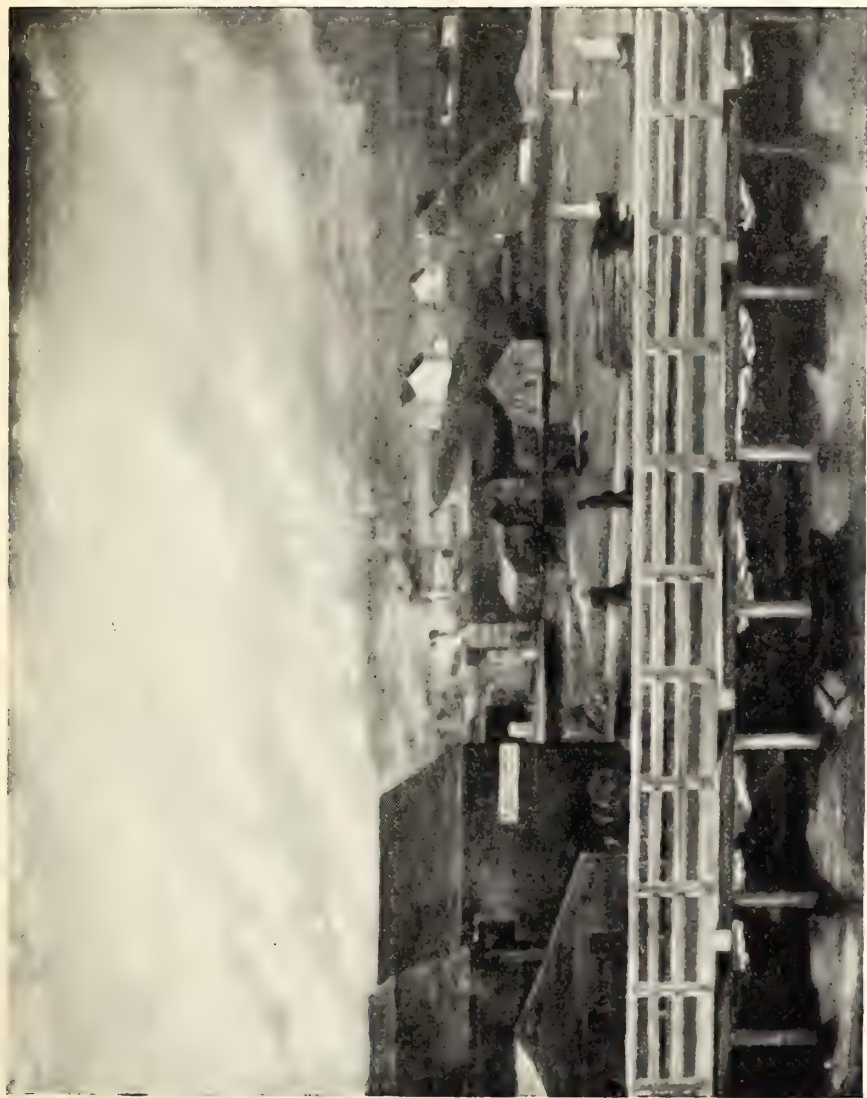
In 1656 William White of Boston, a bricklayer, was in Providence, and by order of the town was to be accommodated with a house lot; two years later a share of meadow was granted to him. In 1662 he sold his possession in Providence to Benjamin Herenden, and it is stated in the deed that he was then of "Boston in New England". He doubtless found little opportunity to follow his trade in the Providence Plantations, for brick making at that period had not been conducted to any extent, if at all; but in Boston for more than twenty years before this time brick making had been carried on by several persons. In 1636 Thomas Mount was granted a piece of marsh "for the making of brick in", and in 1644 Jasper Rawlins was granted liberty to make bricks "at the Eastern end of Sergeant Hues, his corne field neere Roxsbury gate".

But it was not until 1698 that bricks are found mentioned in Providence.

Thomas Roberts, John Whipple, sr., and Resolved Waterman were all carpenters. They were the men employed by Thomas Harris, sen., and Valentine Whitman, the committee appointed in 1664 by the town of Providence to see about "mending the Bridge att Wayboysett", about where is now located the Great Bridge. The brief contract and specifications for doing this work provides that:

"they shall mend vp that pt of the bridge that is downe in this manner following they are to make Timber worke in the forme of a square, diamond fashion which shall serve in the steed of those two Tressells that are downe, and shall rare it vp in the riuer to make up the Bridge and lay sufficient Gice ouer the said diamond vnto the other Tressells next it on both sides and to planke wth planks vntill it be sufficiently planked and if there be not old planks enough then to find planks to finish it and to mend all the defects of the rest of





VIEW OF FEDERAL HILL FROM CANAL STREET, NEAR MARKET SQUARE.  
TAKEN IN 1829. FROM AN OLD PAINTING BY GEORGE W. HARRIS, IN THE POSSESSION OF THE RHODE  
ISLAND HISTORICAL SOCIETY.

the planks that are faultye, and also to procure posts and rails and raile vp the Bridge where the defects are, and also to set vp new posts where they are wanting at the end of the Bridge as well at the onne end as the other, and their Timber is to be carted by the Towne to the end of the said Bridge.”<sup>1</sup>

Such were the specifications for building one of the greatest pieces of engineering which the early townsmen were called upon to provide, and is the earliest contract for a public work found among the town records. The spot where this original bridge at Weybosset was located can only be conjectured. It was probably not far from where the Great Bridge is now located; here was a strong current, both by reason of the force from the two rivers, the Mooshausick and Woonasquatucket, increased from time to time by the rush of the spring tides and freshets. Although the water was not deep even at full tide, the great rush of water and ice in the springtime kept this bridge constantly under repair and sometimes carried it away completely.

The builders, having completed their work, were to be paid for their services thus rendered, “ffourteene Pounds Ten shillings” “to be paid vnto them equally”. But real money was scarce, and so the committee in their contract provided that they should receive their compensation in “wheat at fve shillings p bushell pease at foure shillings p Bushell and Indian Corne at Three shillings p Bushell and what peage is paid is to be at sixtene p penney white and eight a penney Black”.

Thomas Roberts, like John Clauson, came to the town sick and destitute, being wounded during the Pequot war. He was taken into the home of Roger Williams and tenderly nursed and cared for by Mrs. Williams during his sickness. He belonged in Massachusetts and after his recovery took up his residence in the town and married a daughter of William Harris. He died in Newport in 1676, to which place he had fled for safety during Indian hostilities.

John Whipple had formerly lived in Dorchester; he was an apprentice to Israel Stoughton, who built the town mill at that place, and doubtless learned his trade in Dorchester, where he resided for more than twenty years.

The cost to the early settlers for the services of the skilled carpenters and other craftsmen is difficult to obtain, nor is it strange that so little information on the subject is at hand. Such expenses were no part of the town's affairs, and it is only by accident that references to such matters appear among the musty town records. From old memorandum books and other private writings now and then some facts may be found bearing on this subject, but such books and papers are difficult to obtain.

It has been possible, however, to ascertain some information of these

<sup>1</sup>*Early Records of the town of Providence*, vol. xv, p 109.

expenses, for among the Providence Town Papers are found brief memoranda, without name or date, relative to the cost of a "leanto". These old papers are in the handwriting of John Whipple, one of the earliest carpenters in the town, and this fact shows that they must have been written previous to 1685. The first is for the construction of the "leanto" itself, and is as follows:

"To makeing of ye leaneto and worke aboute it	06-00-00
To makeing of ye Seller Roufe & Shinglin it	01-05-00"

The second is for work on the interior of the structure and is:

"To makeing of a doore and Shelves in ye Leantoo	0-8-6"
---	--------

For whom this work was done there is nothing to show.

The working tools of the early craftsmen were of a much greater variety than might be expected.

Nearly every one of the colonists had in their possession the instrument or tool called the "fro" or "froee". It was used in making staves, shingles and clapboards. It is now more generally classed as a cooper's tool. But the use made of it in those early days was for the purposes mentioned. By placing its keen edge upon the end of a section of a log and striking upon the back of the blade it cut with the grain such widths and lengths as their necessities required.

John Whipple, senr., in 1685 had "a Rye bitt" and an iron square, besides a great number of the usual carpenter's tools.

Benjamin Beers in 1714 had a lathing hammer, which shows that the period of daubed walls had passed and that the interiors of the houses were lathed and naturally plastered, for there was no end of material for plaster, both from the lime rocks and from shell, quantities of which were at the command of the people, and laths, in 1729, cost £4 10s. for "four thousand & a halfe". He also had a pair of compasses, nippers, and "spike gimblett".

Isaac Bull in 1716 had six foot of glass, not likely in length, but in several pieces, and a set of cordwiner's tools; the word cordwainer and cordwiner are both used indiscriminately, but whichever way it is spelled the signification was the trade of shoemaker.

Obadiah Brown in the same year had a joynter stock, "square & Compassis", and a froe.

Epenetus Olney in 1698 had a great variety of carpenter's tools—a saw, small joynter, a carving toll, small froe, iron square, axe, clearing plane, whetting steel, wimble stock and bits, a "Soding iron", pair of compasses, and a "brass roule for a chalk line".

Arthur Fenner in 1703 had a joynt rule, "a trowell", a froe, "cedar clapboards & shingles". Benjamin Whipple in 1704 had a froe.



William Harris, at his death in 1681, had the largest assortment of instruments and tools of any of his contemporaries. Besides carpenter's, blacksmith's, cooper's and shoemaker's tools, he had surveying instruments, brass compasses, "2 sights for surveyor's work belonging to an index", a brass table, a brass pen, "2 other brass instruments". It would seem as though he had at one time, if not at this date, a lathe for wood turning, for there were two turning chisels, and "screw hook for a lath", among his effects.

William Carpenter, one of the earliest builders, had when he died in 1685, among other tools, "one wenscutt plough", "Ten augers greater & smaller", "three clevises & two pinns", "one shave & one Gennett".

Among the articles mentioned in the inventories of this early period



THE OLD ARK, WARREN.

This house formerly stood on Main street. Its site is now occupied by St. Mary's Institute. The ancient boundary line between Warren and Bristol ran through the front door of this house. It was demolished in 1894.

may be found listed other tools, and from these ancient writings most of our information relative to them must be obtained. Years of use finally wore them out and they have disappeared like those who once used them, and it is seldom that there can be found examples of the working tools of the early craftsmen.

Some idea of the kind of houses which were occupied by the substantial yeoman of the middle of the eighteenth century may be derived from the following agreement, made in 1743 by Jeremiah Field with Israel Young. This house was to be built on the Scituate farm, which Jeremiah Field had received from his father in 1743, and

in 1746 had contracted with Israel Young to build him a house on this land. The old contract, a portion of which is now preserved, will convey a very good idea of the homes of the well-to-do farmers at that period; it was as follows:

"Ye said Jsrael Young Doth hereby agree for himself &c to Procure or Cause to be Procured at his own Cost and Charge a Good and sufficient Quantity of Timber for a Dwelling house for ye said Jeremiah field of one story high and of ye following Dimensions (Viz) Jn Length Twenty one foot and in wedth twenty four feet and Eight foot and half stud the Great Room to be fourteen foot one way and fifteen feet ye other way the bed Room to be Nine foot one way and fourteen feet ye other ye Roof of said house to rise Eleven foot from the beam and ye said timber so by him to be Procured to be framed



AN ANCIENT RHODE ISLAND FARM HOUSE, NORTH KINGSTOWN.

Erected and set up by ye said Jsrael Young at his own Cost and Charge upon a Part or Place of a Certain Tract of Land situate in ye township of Situate &c and said frame when Erected to Jn Close with good and sufficient bords and to Clapboard and find ye Clapbords and Nails for ye same to say to Clapbord ye front and East End with good white Pine Clapbords and ye West End and back side with good Red oak Clapbords and to shingle and find ye shingles and Nails with good white Pine shingles and also to find (s) tuff and make four good Plain Doors and hang them to be made of good yellow Pine and one door for ye selar &". Such were the houses of those who were classed as substantial yeomen along in the middle of the eighteenth century.

The floors of the dwelling house of the early settlers in Rhode Island were sanded; carpets in those days were not floor coverings, they were for a more dignified purpose and reposed on tables or chests. The action of the sand on the hard wood floors, with its constant grinding by many feet and frequent sweepings by the proverbially neat colonial housewife, soon made the floors smooth, a result which the early builders failed to produce.

There was little furniture to be found in the early colonial homes in Rhode Island. It was not until some time after the development of the carrying trade by Gideon Crawford that the townsmen began to add such to their domestic comforts.

#### OLD LANDMARKS.

##### CAPT. STEPHEN OLNEY HOMESTEAD.

On the highland overlooking what in early days and even now is called Wanskuck, on the road in North Providence which is the continuation of Admiral street, stands the house where Capt. Stephen Olney, one of Rhode Island's heroes of the Revolution, lived and died. The appearance of the house is somewhat changed now from that in the illustration, for it has undergone some renovation in the past few months.

Captain Olney died within this house on the 23d of November, 1832, at the age of seventy-six years, and was buried within the little graveyard on the homestead farm where his fathers sleep. A substantial stone is reared over his grave on which is inscribed his honorable record.

Stephen Olney was born in the town of North Providence, in the old homestead that formerly stood near the site of the house in which he died, on September 17, 1756.

He was a descendant in the fifth generation of Thomas Olney, an associate of Roger Williams. A year or so before the war of the Revolution, when the North Providence Rangers was organized in that town, he enlisted as a private, but in May, 1775, upon the organization of the three regiments for the defence of the Colony, he was selected as ensign in Capt. John Angell's company of the second regiment. From that time on to the surrender of Cornwallis, Stephen Olney was in active service. At the battle of Yorktown his company led the assault on one of the British redoubts; in this action he was badly wounded, and his military career ended and he retired to private life. His townsmen, however, would not permit him to remain in obscurity, and they manifested their confidence and esteem by electing him to the State Legislature and to the office of president of the Town Council. When Lafayette visited the United States in 1824, a play entitled "The Siege of Yorktown" was performed in New York in



honor of the nation's guest, and in this Captain Olney was made to appear as a prominent character, and when the gallant Frenchman was triumphantly escorted through the streets of Providence, upon alighting at the State House he was met on the steps by Captain Olney, whom he instantly recognized, and with all the warmth of the French feeling folded him in his arms and kissed him on each cheek, a scene that is well remembered to-day by Mrs. Rachel Peck, widow of Horace M. Peck, who is doubtless the last survivor of that merry party of young women who strewed flowers in the path of the distinguished Lafayette at the time he made this visit to Providence.



HOME OF CAPT. STEPHEN OLNEY, NORTH PROVIDENCE.

Captain Olney was severely wounded while leading the storming party at the Battle of Yorktown.

#### THE FIELD HOMESTEAD.

Pumgansett was the ancient Indian name for that neck of land now known as Field's Point. It was a famous gathering place for the red men before the English came here to settle. Underneath the turf, along by the water side, shells of the oyster, clam and muscle have been found in great quantities, and even now on the sand blows these broken bits remain to recall the former feasts and powwows of the ancient heathen. Here also have been found numbers of Indian stone implements, arrow-heads, axes, gouges, and other curiously fashioned articles for the red men's use.

Not many years ago there was turned up by the plough a stone mask with hideous carvings upon it; and an iron spur and sword of peculiar size and shape, covered with the rust of many years. The former is of Indian origin and is a rare specimen of Indian stone work; the

latter relics are of more uncertain origin; perhaps they may have belonged to some adventurer or trader who sailed into the Narragansett Bay long before a settlement here was thought of, and then again they may have belonged to one of the early settlers in the plantation, for they are a type far different from those used at the time of the Revolution.

Here was the home of Thomas Field and his descendants. This old house was a conspicuous landmark for many years. During the years it has stood on the Field's Point highlands it has been located in three different jurisdictions: Providence, Pawtuxet, Cranston, and finally in Providence again, as the lines marking the boundaries have been changed about.

The location of this farm, in the early days of the Colony, was a



RUINS OF THE THOMAS FIELD HOUSE AT FIELD'S POINT.

Erected 1694, demolished 1896.

most desirable one. It was not many years after the settlement that the townsmen began to build their homes near their meadows, for within the little tract along which ran the Town street there was little opportunity for cattle to graze. It was this, undoubtedly, that led Field to acquire this property. The very earliest reference to the territory calls it "old cleare ground"; there were few such tracts near the settlement, but here at Pungansett were ample meadow lands covering many acres, while on the shores of this highland farm were marshes and thatch beds.

There is an instrument preserved among the Field papers in the

Rhode Island Historical Society which shows that Thomas Field, jr., was living in the house in 1712; this is the earliest date found on the records showing that a dwelling house was there located. But the house itself indicates a much earlier construction, the diminutive size of the old part, the stone chimney, the arrangement of the frame and the chamfers on the beams all show a much earlier period of workmanship and style. This would give reasonable grounds for assuming that the house was built for Thomas Field at the time he was married, and this was about 1694 or 1695.

Thomas Field lived to be eighty-two years of age and died July 17, 1752. Several years before his death his son, Jeremiah Field, entered into an agreement to "find and provide for . . . Thomas Field and Abigail his wife sufficient . . . house Roome in his the said Jeremiah's now dwelling house or in some other suitable place and also to keep for the said Thomas one horse and one cow and also to find Provide and Furnish for the said Thomas and Abigail good sufficient and Suitable Provision and Drink of all sorts . . . both in Health and Sickness . . . also good decent and Convenient apparel of all sorts . . . also good fire wood Sufficient to maintain one fire . . . and suitable attendance both in Health and Sickness for and during the full term of the Natural Life of the said 'Thomas Field'".

Jeremiah Field lived with his father at the homestead until November, 1752, when he and his brother Nathaniel exchanged the farms which they had received from their father.

Within a few years the old "sheep run" under the road, through which the cattle passed from one side of the farm to the other, could be seen, but when Eddy street was rebuilt this old landmark was obliterated.

Early in the Revolution, Field's Point was fortified. Its position was such that it was of great consequence to the protection of the town from any attack by water.

During the stay of the French officers in Rhode Island the Field homestead is said to have been the scene of many brilliant assemblies, in which Lafayette and other French officers and the social element of the town took part. As one views this old ruin, it is hard to realize that within its walls such social assemblies have met and such distinguished characters once merrily danced upon its floors.

Beyond the house a little to the eastward was the family graveyard; four granite bounds serve to-day to identify this spot. Here were buried the generations of the Fields of Pungansett. When the property passed into other hands, the remains there buried were removed to the North Burial ground and inclosed in a lot with granite curbing, on which in plain but elegant letters is inscribed the "Fields of Field's Point".



## THE ELEAZER ARNOLD TAVERN.

The old homestead of Justice Eleazer Arnold stands on the road which skirts the Moshassuck River, formerly called the "road leading to Mendon"; and a little more than half a mile southerly from the historic Butterfly factory in the town of Lincoln. Eleazer Arnold was the son of Thomas Arnold, who came to America in the ship *Plain Joan* in May, 1635, and settled in Watertown in the Massachusetts Colony, where doubtless Eleazer Arnold was born. He appears to have been located at this house on October 2, 1708, for by a deed signed on that day he gave to Thomas Smith and six others certain land, as the old deed recites, "scituate in the Township of Providence near his dwelling house on the north side of the highway that leads from the town of Mendon to said Providence, containing about one-half of an acre and being that Piece or percell of land on which stands a certain Meeting house of the people called Quakers". This "meeting house" is yet standing on the land conveyed in 1708 and is "near his dwelling house", being distant only a few hundred feet. Eleazer Arnold married Eleanor Smith, the daughter of John Smith, jr., the mason, and ten children were born to them. On the 14th of August, 1710, the Town Council granted Eleazer Arnold a license to keep a public house, and the formal record of this privilege is thus quaintly expressed:

"Whereas the Lawes do Provide that no Person Jnhabiting on our Collony shall keepe any Publick house of Entertainement for strangers, Travilers or others, nor Retale Strong drinke, vnless they have a licence from the Councill of ye Respective Towne whereunto they do belong; And Whereas you Justice Eliezer Arnold Jnhabitant of this Towne of Providence, in ye Colloney of Rhode Jsland & Providence Plantations in New England haveing desired of ye Towne Councill of sd Providence that they Would Grant unto you a licence in order to that Purpose, whereby you might be in a Capacitye to keepe a house of that Order, & for that imploy: The Towne Councill of said Providence being mett, & haveing Considered your Request, and to ye end that strangers, Travilers & other Persons may be accomodated with suteable Entertainement at all times as Ocation Requires do by these presents Grant un to you ye abovesd Justice Eliezer Arnold licence & libertye to keepe a Publick house of Entertainement in sd Providence Towneshipp at your dwelling, for the Entertaing of Strangers, Travilers & other Persons, both horse & foote, Carters, Drovers, &c: at all times for & duiring the full & just Terme of one yeares Time forward from ye day of the date of these presents: And that at all times duiring the said Terme of time you do (within your Prescinks) well & truely Observe, do & keepe good Orders according as ye lawes do Require Persons Who are licenced to keepe such houses to do & Performe.

"Dated August ye 14th: 1710."

The highway beside which the tavern was located led to Mendon in Massachusetts and thence to the neighboring towns in the Bay Colony. It was the only travelled road through that section, and no doubt a good share of the patronage of those who travelled along its winding course fell to the lot of Esquire Arnold.

One of the names which has designated this old house for generations is "The Stone Chimney House", and not only the chimney but the whole northerly end is constructed of stone. There is a tradition which suggests good reasons for this. At the time it was built the clearing in which it was located extended to the eastward, southward and westward, while to the northwestward, north and northeastward the primeval forest, as yet unmarked by the woodman's axe, almost



ELEAZER ARNOLD TAVERN NEAR QUINSNICKET, LINCOLN.

Erected 1687.

touched its walls. It was to protect this exposed side of the house from fire arrows, which lurking Indians might direct against it, that it was built in such a fire-proof manner, and this seems to be corroborated in a measure by the fact that the roof was originally covered with shingles laid in mortar. These shingles being thus laid, lasted for more than a hundred years ere they were replaced.

There is also a tradition that the house was once used for a garrison, and a heavy oaken ladder is pointed out as being used to mount to a lookout on the roof to scan the neighborhood for hostile Indians. This story, although interesting in connection with the history of the

old place, has probably no foundation; for it is a fact that the relations between Eleazer Arnold and the red men were most friendly and cordial, while the necessity for garrison houses had passed long before Eleazer Arnold was laid away in the ground.

Unlike many of the houses of the early settlers, this had four rooms on the lower floor, the living room, kitchen and two other rooms, doubtless sleeping rooms. This was more pretentious than others of this period, for few of them had more than one great room, which occupied the whole ground space of the house. The second floor had two rooms, chambers they were called, and one of these contained a fireplace.

The great room or living room was large and commodious with great fireplace. Extending lengthways along the ceiling and protruding through it was the great "summer" beam, making a convenient place on which to hang the guns, and even to-day in some of the old south county houses the farmer's gun may still be found occupying a similar resting place. Over the fireplace there was a great eye-bolt firmly fixed in the masonry, to which a block and tackle could be attached to haul the great logs to the fire. Mantel-pieces were no part of the interior furnishings of the early colonial houses. Whatever was arranged about the walls was hung on long hooks made of natural branches, fitted according to the ingenuity of the owner.

In the old chimney stack there may yet be seen the scar made when the stone Dutch oven was closed up after long years of service, suggesting memories of the good things to eat which were there cooked in the days gone by.

When this home was built a primitive wilderness surrounded it on either side. Although it was in the town, it was many miles to the little cluster of houses that formed the Providence settlement. Few habitations for white men were located in the neighborhood. Across the river was the dwelling house and lands which Eleazer Arnold had settled his "beloued son Eleazer Arnold down upon"; but the Indians were the nearest neighbors. In the clefts of the rocks at Quinsnicket Hill tradition tells us were the natural walls for the red man's winter home, and Quinsnicket in the Indian tongue is said to mean "stone-huts". Here on the southerly side of the hill, sheltered from the winter's northerly blasts and open to the winter's sunshine, may yet be seen openings in the rocks with perpendicular walls. Over these the Indians spread poles and covered them with bark and thatch, and thus furnished comfortable homes during the cold winter months. But the Indians were not compelled to huddle in these smoky, rocky clefts. Eleazer Arnold was a friend to the red man and permitted them to enjoy the cheer and comfort of his home, and within the tavern when he died was "an old bed the Indians used to lie on".

The estate has descended from generation to generation and the



old house has been called successively the Eleazer Arnold house, the Martin Arnold house and the Sabra Arnold house, accordingly as the property has been owned. By the latter name it is perhaps better known to-day than by any other.

### THE BULL HOUSE.

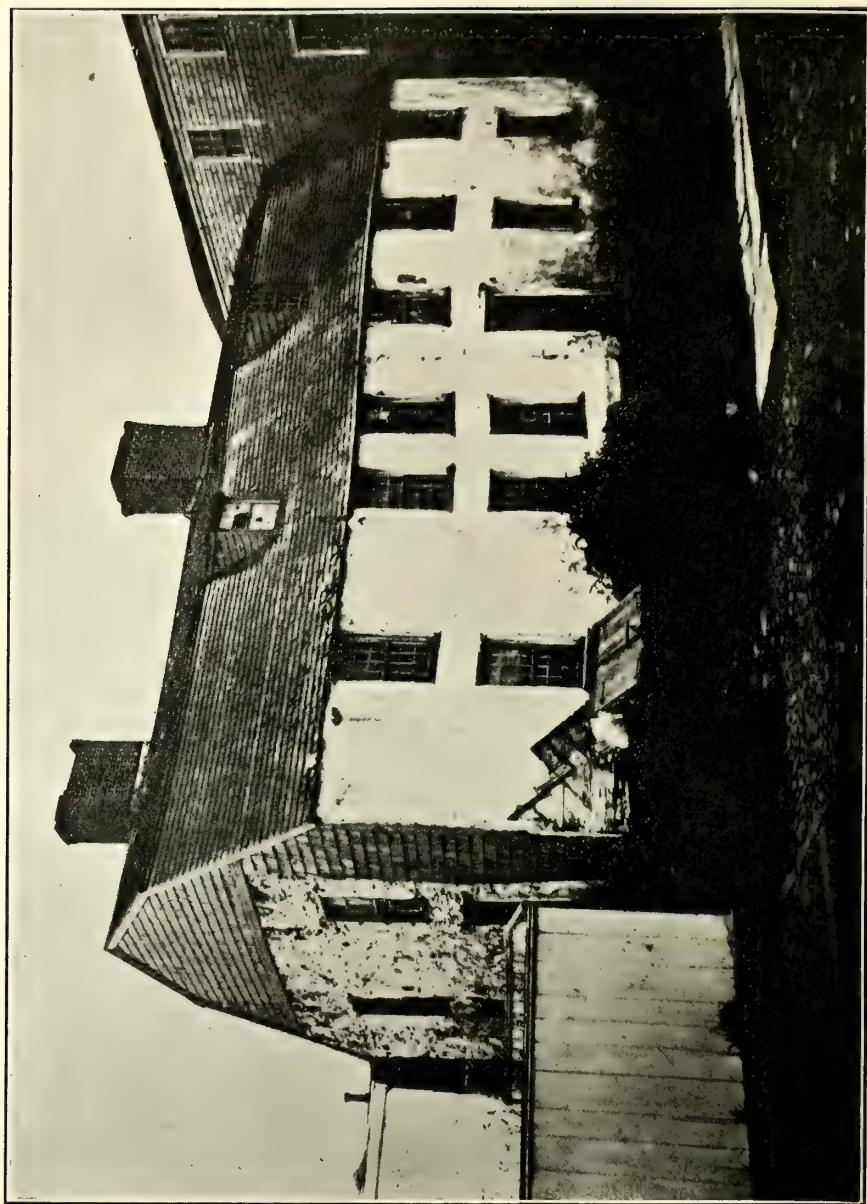
The Bull House is one of the historic houses of Newport. It is situated on the easterly side of Spring street, a little in the rear and fronting a short street running northerly and westerly to Broad street, which street was formerly called "Bulls gap"; the house, although changed somewhat by alterations which have from time to time been made, yet preserves enough of its ancient appearance to mark it as a venerable relic of the early days of Newport.

Henry Bull, its first owner, was one of the early comers to Portsmouth. At the time of the settlement at Providence Henry Bull and his wife were at Roxbury, but two years later, on account of his connection with Mr. Wheelwright and Mrs. Hutchinson, was ordered to depart from the Bay Colony and came to Portsmouth and with eighteen others joined in a compact of settlement of that town. He was one of the earliest military officers of the Colony being corporal of the Train Band which was organized at the settlement.

In January, 1639, he was elected town sergeant; the duties of this officer at this time included the keeping of the prison, and at the time of his appointment the town passed a vote that the prison, then in course of building, "should be finished and that it should be set near or joined unto the house of Henry Bull". Although there is no definite knowledge of the locality of this first prison at Newport, it is possible that it was located near this house, if not forming a part of it, for Henry Bull occupied the position of keeper of the prison for several years.

During his career he was one of the active men in the town of Newport and held various offices of importance and trust. He was three times married, but his children, of whom there were three, one son and two daughters, were the children of his first wife.

Jireh Bull, his son, took up his abode in Kingstown on the mainland and built a substantial house on Tower Hill, which was used as a garrison house during King Philip's war. During this disturbance, however, it was attacked by the Indians and all but two of its inmates killed and the house destroyed. Henry Bull lived to a very old age, and his death occurred in January, 1694. The Society of Friends, of which he was a member, has inscribed upon its records these words: "Henry Bull, aged about eighty four years; he departed this life at his own house in Newport (he being the last man of the first settlers of this Rhode Island), ye 22d 11mo. 1693-4".



THE HOME OF HENRY BULL.

LOCATED ON SPRING STREET, NEWPORT. ERECTED 1639.40. FROM A PHOTOGRAPH MADE IN 1880 BEFORE  
IT WAS REPAIRED AND FORM OF ROOF CHANGED.

This old house is the only link now remaining between the beginning of the Newport settlement and the present. All the other houses of the early settlers have been destroyed, and the people of Newport should see that this ancient structure, within which the last of the first settlers of this city lived and died, is forever preserved.

#### THE ARTHUR FENNER HOMESTEAD.

Out on the meadow land near the Pocasset River in Johnston, almost under the shadows of the boulder-capped hill of Neutaconconitt, there may yet be seen the ruins of the cellar and rotting pieces of the wood work of the home of Arthur Fenner, sometimes called the "Captain of Providence."

Babbling and sparkling down through the meadows and only a few feet from where this historic house once stood, the brook called Ocuockomaug winds in and out until it joins the waters of the Pocasset.

'Tis a picturesque locality and in the summer time, when all nature is clad in its green vesture, with the towering Neutaconconitt on one hand, the irregularly rising and falling meadow lands on the other, and the great stretch of green fields before, no more quiet and peaceful spot could be wished for.

Here on the grassy knoll stood for generations the home of one of the most prominent and picturesque characters in Rhode Island colonial life.

It was only a few years ago that the old stone chimney, elaborately adorned with mouldings and pilasters, pointed to the sky, while not far distant a great white mulberry tree, its trunk full four feet in diameter, cast its shadows over the structure; but now all are gone; the scattered fragments are all that is left to remind one of the old Fenner Castle, a name which in late years was given to the old mansion.

The ancient driftway, down which it was necessary to turn from the road leading to Plainfield in order to reach the house, passes the Larkin farm, situated on higher ground, and from this farmyard you may look down upon the tract which was once the homestead lands of Arthur Fenner, and where he lived and died.

Arthur Fenner is said to have come from a family of distinction in Old England. Tradition also affirms that he was a lieutenant in Cromwell's army, and there seems to be some reason to believe that this tradition is well founded, for his military qualifications early caused him to be chosen captain of the militia or Train Band.

Captain Fenner first appears in Providence "the 27 of the 2d month 1654"; from this time until his death he was constantly in the service of his fellow-men.





HOME OF CAPT. ARTHUR FENNER, CRANSTON, R. I.

ERECTED ABOUT 1655; DEMOLISHED IN 1886

Arthur Fenner married Mehitabel Waterman, a daughter of Richard Waterman, who came to Providence from Salem in 1638; six children were the fruit of this union.

The military career of Captain Fenner in the Providence settlement commenced in 1654, when it was "Ordered that Lieutenant Thomas Harris, Thomas Hopkins, Corporall, James Ashton, Corporall, and John Sayles Clerke of the band, John Browne & Arthur Fenner are hereby authorized to order the matter of taking the ffines from absent souldiers wch are listed in the Clerks Book"; but it was not until 1665 that he began to be called captain; from this time on for more than thirty years he was the leader in the rude military organization of the times.

It was a custom of many of the early settlers to have a dwelling house in the town proper and besides this a "house in the woods". This house in the woods was for the purpose of shelter during the season of planting and harvest, for their planting lands and meadow lands were mostly located in the outlying districts; they were also used during the hunting season, and in some of the settlements they were called hunting houses.

In the town of Scituate there is to-day a brook which derives its name, "Hunting house brook", from the fact that such a retreat was built upon its bank for the convenience of sportsmen from Providence while hunting deer in that wild unsettled region in the eighteenth century. These lodges were rudely furnished, containing only such articles as were necessary for cooking and sleeping purposes.

Resolved Waterman's house "in ye woods", in 1670, was valued when he died at £10, just the same amount that was placed upon his "ffifty acres of land & a share of meadow in the new division", but he was a carpenter and a skillful builder, and doubtless had prepared a substantial house for his purposes.

William Harris called his a cabin, and the only furnishings appearing connected therewith was "1 feather bed", "1 small Rugg & a piece of a blankett belonging to ye Cabbin bedd".

Perhaps the Fenner homestead was originally a house in the woods, for the elaborate work on the mammoth chimney stack was a later addition to the original, and the great fireplace in the lower room was built against a very small one. The timbers with which the old house was framed were heavy and massive, some of them more than twelve inches square and all of native oak. When the old structure finally fell apart from decay and the action of the elements, one of these hidden timbers showed plainly where fire had once charred its edges; this had suggested that perhaps not all of the house was destroyed by the Indians, but enough remained to be used in rebuilding. The window panes were diamond shaped and very small; parts of these

and two of the old hinges used on one of the doors may be seen among the collection of the Rhode Island Historical Society.

By his second wife, Howlong Harris, daughter of William Harris, he had no children, but there is reason to believe that she made an affectionate mother in his household.

On the 27th of August, 1703, Arthur Fenner, while "very sick", made his will.

He was a long sufferer, his illness continuing from June until October, when, on the 10th of the month, he died and his long and useful life ended. He was then eighty-one years of age. His will disposed of his large estate among his wife and all his children.

Upon the death of Arthur Fenner the house became the home of his son Arthur, the other son, Major Thomas Fenner, having already been provided with a home only a short distance away.

Arthur Fenner the younger lived and brought up his family at the old homestead. He married Mary Smith, and died April 24, 1725.

Curious stories are told of many of the later generations who occupied this old homestead; of Daniel Fenner, the conjurer; of Samuel Fenner, who was lame and made pounders for use in the laundry barrels on wash days and other useful articles, and who disliked to wear boots or other covering for his feet; of Benjamin Fenner, who in early youth resolved never to use the words "yes" or "no", and who is said to have accomplished this heroic undertaking; and last of all, Polly Fenner, who delighted her hearers with the stories and tradition interwoven with the mouldering old mansion and who boasted of having been honored by a kiss from the noble Lafayette.

Polly Fenner was the last of the line to occupy this ancient homestead, and upon her death in 1861 it ceased to be occupied as a dwelling; gradually from lack of care the winter storms and summer suns wrought sad havoc with the old structure and it began to tumble apart. It afforded shelter for the beasts of the field and the fowls of the air, however, for it was many years before it became useless as a shelter, testifying to the good work of its early builders.

#### THE ELEAZER WHIPPLE HOUSE.

When Eleazer Whipple gave to his son James the homestead which he had occupied for many years, he stated in the deed of conveyance that the "land lieth on both sides the highway from Providence towards Wensoket and is bounded on the North west with an Elme tree which is now fell down and gone".

Vague and indefinite were the boundaries in those early times; they were perfectly understood then, no doubt, but it would involve much search to find now the location of the "Sharpe peece of land lying



neere the place where Rich Watermans Great Cannoo was made", "the white oake tree marked which is now turned up by the roots and is down", the land "lying on ye top of a hill between three hills". They are as indefinite now as though reference was made to a red cow standing in a brook.

From other evidence we know where the elm tree, "now fell down and gone", was located, for the homestead lands of Eleazer Whipple were in the Louisquissit country and near the Lime Rocks. Here his mansion house is yet standing on the road to Woonsocket, at the top of a gently rising hill overlooking the Moshassuck valley.

Eleazer Whipple, who built this house, was the son of John Whipple, who came to Providence from Dorchester, Mass., and was received by the proprietors of Providence as a purchaser, July 27, 1679. He was born in Dorchester in 1646, and married, January 26, 1669, Alice Angell, the daughter of Thomas Angell, who came to Providence when a mere lad with Roger Williams and was one of his associates at the planting of the little settlement around the spring where the Moshassuck emptied into the salt water. He was by trade a housewright.

Although his name is not included in the list of those twenty-seven men who stayed in the town during King Philip's war, it was no fault of his, for he had seen service and was wounded many months before the others were called upon to make any sacrifice; but he shared in the spoils of war and received his part of the proceeds from the sale of the Indians that were captured. Like his companions in arms, Capt. Andrew Edmonds, who was granted a tract of land near the water side at Narrow Passage for "ye building of a house and ye keeping of a fferry", Whipple received from his fellow townsmen the reward for his "services done in ye warr time."

Four years after the war he addressed this letter to the "town mett":

"I desire ye Towne to take Some Care speedyly that I may have ye mony that I stand obliged to pay for my Diett when I lay under Cure being wounded by ye Indians in ye late troublesome warr my necessitte Calleth for it, being often called upon for ye same, Saying they have great need of ye same.

"Yor ffriend Eleazur Whipple".

Those were times of plain and homely speech: there was no long preamble and pleadings, the simple statement of few unembellished words telling their wants and asking for favors.

It is hoped that he was able to liquidate the claims that were charged up against him, although there is no reply to this request found on the records of the time, but in the records of the Colony it appears that his claims were recognized, for it was "Voted, That upon the

petition of Eliezer Whipple, the General Assembly doe allow unto the said Whipple the sum of tenn pounds in or as money to be paid unto him or his order, out of the General Treasury."

After the war was at an end Whipple returned to his lands in Loquasquusuck, where lay the ashes of his former home and rebuilt his house.

On August 25, 1719, Eleazer Whipple died, being then seventy-three years of age. A life of hardships and sufferings was ended, and he was laid away in the grave down in his meadow in front of his house.

The Whipple house was built between the years 1676 and 1684, for in that year he purchased of his brother Samuel five acres of land, lying northwesterly from Providence town and a "little to the northward of ye said Eleazer Whipple his dwelling house"; the bounds of this tract show that it was in the Loquasquusuck country. The house



ELEAZER WHIPPLE HOUSE NEAR LIME ROCK, LINCOLN.

Afterwards known as the Mowry tavern, erected 1677.

may be safely stated to date from this latter year, and there is a continuous line of references to it in deeds and other conveyances to the present day. It was a grand old mansion house in those times, and there is even now a stately dignity to it that cannot but attract the attention of those who reverence and respect these old relics of former days.

Like most of these ancient habitations, changes have been made from the original structure, but the great stone chimney stack, extending nearly the whole width of the house, built of solid and well constructed masonry, still remains to evidence its antiquity; perhaps a portion of this may have survived the fiery ordeal that the first house built upon this site went through.

The doorway and hall is in the middle of the house, with a great

room on either side; the south corner is the older part, this being built by Whipple himself. Here in the center of the ceiling the great "summer" may be seen, showing to those of to-day how well our forefathers builded.

Five years before he died Eleazer Whipple gave to his son, James Whipple, "for good consideration me Thereunto moving But more especially for the natural love and affection I have and do beare unto my son James Whipple All that parcel of land which I had of my father John Whipple both upland and meadow being at Loquassussett", also other land, and "my mansion house which I now dwell in standing on the above said land with orchards gardens edifices and buildings excepting only that my wife Alice Whipple shall have the privilege of that part of my dwelling house which I built which is the southern part during the term of her natural life". This grant was made with certain conditions of payments to his other children.

Upon the death of Eleazer Whipple it became the homestead of James Whipple and here he lived during his lifetime.

In 1731 the new town of Smithfield was incorporated. This territory included the lands on which the Whipple homestead was located.

After the death of James Whipple his heirs sold the property to Jeremiah Mowry, and in the conveyance the property is described as being the "Homestead farm of James Whipple of Smithfield deceased, lying on both sides of the highway which leadeth from Providence town to the place called Wansocket . . . and on Loasquiset brook".

There was also included in the deed this memorandum: "Before signing this deed the grantor reserves to himself the old Burying place containing four Roods square with liberty to pass and repass at any time".

Across the road in the meadow opposite to the house is this old burying-place. It is surrounded with tall evergreens, a distinguishing mark for country graveyards, and enclosed with a substantial fence. Here, amid creeping vines and brambles, are the graves of Eleazer Whipple and his wife, both of whom attained to a ripe old age, he being seventy-three years old at his death, while his wife was ninety-four. Here also is buried their son, James Whipple, whose children were the last of the name of Whipple to own the ancestral estate. With this transfer of the farm the property passed out of the Whipple family and was purchased by Jeremiah Mowry, whose family had intermarried with the Whipples. It yet remains in the Mowry family and many of them are buried in this ancient graveyard opposite the house.

In 1825, when the eastern part of the house was built, for the house stands with the road nearly east and west, it became a tavern, and



doubtless became an attractive place in the days of the lumbering, clattering stage coach. The curiously contrived little table, whereon were displayed the articles of refreshment for the thirsty travellers, may yet be seen in a corner of one of the lower rooms.

The whole region hereabouts is a picturesque and interesting country; only a few rods distant are the white cliffs of the lime pits and beyond this an undulating country of hills and vales.

The view from the Whipple house is a commanding one. Below to the eastward the Blackstone River like a thread of silver winds its way through green meadow land and gently rising hills, while the spires of churches and the chimneys of many mills rise above the tree-tops. But in the days when these men built their homes and sought to provide for their families, it was one vast wilderness of primeval forests and hills.

Descendants of many of the original settlers yet live on the original homestead farms about the neighborhood. But all is changed; the shrieking locomotive and the tolling factory bell all give unmistakable evidence of the change that has come over the Louisquisset country.

#### THE CHRISTOPHER GREENE BIRTHPLACE.

The old town of Warwick abounds in historic houses and localities. It was the scene of many interesting events in colonial history, and its people were influential and active in the affairs of the State. It would be a long list to include all of the men claiming Warwick as their home who won honor and fame during the years when the war of the Revolution was fought.

Not far from Cole's station on the railroad which winds down through old Warwick is the house where Col. Christopher Greene was born. It is now owned by Edward A. Cole and is one of the ancient houses of Rhode Island, having been built, it is stated, while the ashes of many of the homes of the colonists were yet smouldering from the fiery ordeal of King Philip's War.

Col. Christopher Greene was the son of Philip Greene, an associate judge of the Supreme Court of Rhode Island. He was one of the incorporators of the Kentish Guards, that military organization which furnished so many brilliant officers for the Continental line. In 1775 he was a lieutenant in that body and his rise in rank was rapid and merited. The services of Colonel Greene were of the highest character; his bravery at Red Bank won for him the approbation of Congress, which voted him a sword for his gallant defense of the fort. He did not live, however, to receive it, for in May, 1781, he, with Major Fflag, another Rhode Island officer, were cruelly murdered by a party of the enemy consisting of two hundred and sixty cavalry, who forded the Croton River at Points Bridge, where Greene was quartered, surprised his camp and killed him.

The circumstances attending his death were of the most horrible character, his body being shockingly mutilated. The Cole place is designated as being his birthplace. His home was at the village of Centerville, just north of the Bridge. Many years ago this house was destroyed by fire, and with it much material that would have shed additional light on the early life of this distinguished officer. The sword with which Congress honored him is now the property of his grandson.

#### THE GREENE HOMESTEAD.

On Potowomot Neck in the town of Warwick may yet be seen the home of Gen. Nathanael Greene. Here he was born and here his



BIRTHPLACE OF GEN. NATHANAEL GREENE, POTOWOMUT, R. I.

boyhood days were passed. A short time before the outbreak of the Revolution he removed from the homestead beside the Potowomot River and settled in Coventry, where he operated with his brother a forge, "carrying on an extensive business in forging anchors", for in those days vessels from Rhode Island were found in all of the ports of the world. His forge is said to have been located at the spot where the railroad bridge at Quidnick now stands.

The services of Gen. Greene are too well known to be here repeated. When the Kentish Guards marched from East Providence in response

to the Lexington alarm, Nathanael Greene was a private soldier; that was in April, 1775. "I viewed the company", says John Howland in his recollections, "as they marched up the street in Providence and observed Nathanael Greene with his musket on his shoulder in the ranks as a private. I distinguished Mr. Greene, whom I had frequently seen, by the motion of his shoulders in the march, as one of his legs was shorter than the other", and this private soldier, carrying a musket in the ranks, a month later was a brigadier-general. Next to Washington he was the greatest military commander that the Revolution produced. A few years after the war he removed to the State of Georgia, where he died June 19, 1786. Until within a few months his last resting place was unknown, his remains having been placed in a tomb and all memory or record of the spot lost.<sup>1</sup> The Greene homestead is now owned by Hon. William Maxwell Greene.

#### THE WILLIAM GREENE HOUSE.

The old Greene house at Coweset is another historic house of Warwick. It is an old house, too, for it was built, or at least a portion of it, by Samuel Gorton, jr., as early as 1685, and its substantial appearance to-day shows how well our fathers builded. The house has been the home of one of the historic families of Rhode Island. Here William Greene, who held the office of deputy-governor from July 15, 1740, to May, 1743, and afterwards that of governor for nearly eleven years, between 1743 and 1758, lived and died. It then became the home of his son William, jr. In the year 1777 its owner was elected to the office of chief justice of the Supreme Court, and in the following year to that of governor, a position which he ably filled for eight successive years. The war of the Revolution was then in progress and the west room became the governor's council room.

In it the Governor and his Council, with General Sullivan, Gen. Nathanael Greene, Lafayette, Rochambeau, and other notable personages, both civil and military, held frequent consultations upon important national affairs. "Among the notable visitors of that and subsequent years was Dr. Franklin, who was on terms of intimacy with the family and usually made a friendly visit here whenever he came to New England". The west window overlooking a beautiful valley bears the name of "Franklin's widow", from the interest he is said to have taken in sitting beside it and gazing at the prospect it afforded. In the rear of the house is the old family burying-ground, "where

<sup>1</sup>At the exercises attending the first celebration of the birthday of Nathanael Greene since that day was set apart by the State as a holiday an address was made by Hon. Asa Bird Gardiner, president of the Rhode Island State Society of Cincinnati, in which was told the story of the discovery of the remains of General Greene in a vault in the city of Savannah, Ga., on the 4th day of March, 1901. The story of this discovery is told in the *Providence Daily Journal* of June 7, 1901.



repose the deceased members of the family of several generations''. It has another interesting association connected with it, for within its walls Gen. Nathanael Greene met the young woman who afterwards became his wife, and in the west room of this ancient dwelling they were married, July 20, 1774.

#### THE VARNUM HOMESTEAD.

Back of the court house in the town of East Greenwich, on what is sometimes called Pearce street, stands a large and substantial colonial mansion. On the south end of this grand old residence there is inscribed the date 1767, the year in which the house was built.

So well preserved and so well kept is this handsome structure that it is difficult to realize that it has stood so long upon the hill of Greenwich town. Surrounding it are spacious lawns filled with plants and flowering shrubs, while shading it stand magnificent elms.

This ancient house was the former home of Gen. James Mitchell Varnum, one of Rhode Island's brave officers. It was built by him in the year which is noted upon it, and the elm trees which throw their shadows across it were set out by the general's direction years before that great crisis which brought his great qualities to the fore had commenced. James M. Varnum was not a Rhode Islander by birth, but was born in the little town of Dracut, in the Massachusetts Colony, in 1749. Instead of being sent to Harvard College, where most of the youths of Massachusetts received their education, Varnum was enrolled as a student at the Rhode Island College, located at Warren, and he was of the first class to be graduated at this institution which has since become Brown University.

In this class was the Rev. William Rogers, afterwards chaplain in the Continental army from 1776 to 1781: Richard Stiles, a captain in the Continental army who was killed at the battle on Long Island, August 27, 1776, and the Rev. Charles Thompson, also a chaplain in the Continental army from 1775 to 1778.

In 1771, having studied for the profession of the law, Varnum was admitted to the bar and settled in East Greenwich. A few years after he had taken up his residence in that town a number of the young men who had a taste for military affairs petitioned the legislature of Rhode Island to incorporate them into a company by the name of the Kentish Guards, and a charter soon followed. The name of James Mitchell Varnum was the first name mentioned in the charter, and he became its first commander.

When the news of the affair at Concord reached East Greenwich Varnum assembled his company and immediately set out for the relief of his countrymen. When they reached Pawtucket they learned that the fight was over and the company returned home. The next week Varnum was commissioned colonel of a regiment to be raised in the

"County of Kent and Kings". In 1777 he was made a brigadier-general, and then followed his service in the Continental army, where he distinguished himself on many occasions. He was at Red Bank, Fort Mifflin, Monmouth and at Rhode Island; he also was with the American army during that winter of suffering at Valley Forge. The house that he occupied for his headquarters, the Stevens house on the Port Kennedy road, is yet standing.

In 1779 he resigned his commission in the army, but was almost immediately appointed major-general of the State militia. A year later he was elected a delegate to Congress. In civil life his services were as brilliant as his military life had been distinguished. Varnum married in early life Martha Child, a daughter of Cromwell, of War-



THE JAMES (FONES) GREENE HOUSE, BUTTONWOODS, WARWICK.

Erected about 1715.

ren. He died in Ohio, January 10, 1789, at the age of forty years, after a brief but active life. He left no descendants. The house that he lived in in East Greenwich was the former home of Judge Brayton of the Rhode Island Supreme Court, and is now owned and occupied by Dr. Bowen.

#### THE FONES GREENE HOUSE.

The old Greene house in Warwick is located on a little stream which flows into the head of Brush Neck Cove near Buttonwoods in Warwick. Near by can yet be seen the depression in the ground

forming the cellar of the old home of Fones Greene, which was erected in 1687, but which was doubtless demolished before 1715, when the present house was built. For many years the present house was supposed to be the original house at this location, but the exhaustive researches of Messrs. Isham and Brown, who have done so much to preserve the details of early Rhode Island houses, has fixed definitely as it is possible to fix it the time when the present house was built.

Visitors to this ancient dwelling for years were hospitably entertained by its venerable occupants, the late Mr. and Mrs. Henry Whitman Greene. The house was well stored with many interesting family relics and articles of domestic use in the early days of the Colony, and they never tired of showing these curious articles to the scores of visitors who found their way to this quiet country home. It was perhaps the best known old house in the State.

#### THE THOMAS FENNER HOUSE.

In the woods beyond and to the south of "Neutaconconitt", back from the road leading to Plainfield, stands the former home of Major



CIDER MILL AND PRESS, NORTH KINGSTOWN.

Thomas Fenner, the eldest son of Capt. Arthur Fenner, the "Captain of Providence".

Major Fenner was a man of note in the early days of the Colony. He was born in Providence, in September, 1652, and was thus a young man at the outbreak of Indian hostilities in 1675. In the old town records, written by the hand of Roger Williams, he is listed as one of those who stayed and went not away while the town was in danger, and later was a member of the garrison established at the house of Nathaniel Waterman. He married Alice Ralph, the daughter of Thomas and Mary Ralph, but the date of the marriage is unknown.

The land on which the house of Thomas Fenner was built belonged to his father; on the old stone chimney there is rudely cut figures 1677, which serves to fix the year in which it was built. No doubt



Arthur Fenner contributed largely to the erection of this new home for his son, for when William Harris died in 1683 there is mentioned in his inventory as one of the debts due to him the item "of Clabord nayles lent to Capt. Fenner 1500 to be pyd in nayles againe", and these "nayles" perhaps were used in the construction of the house.

Thomas Fenner was appointed by the General Assembly, in 1712-13, "Major for the maine", a position of considerable military consequence, for he was by this appointment commander of all the military forces on the mainland.

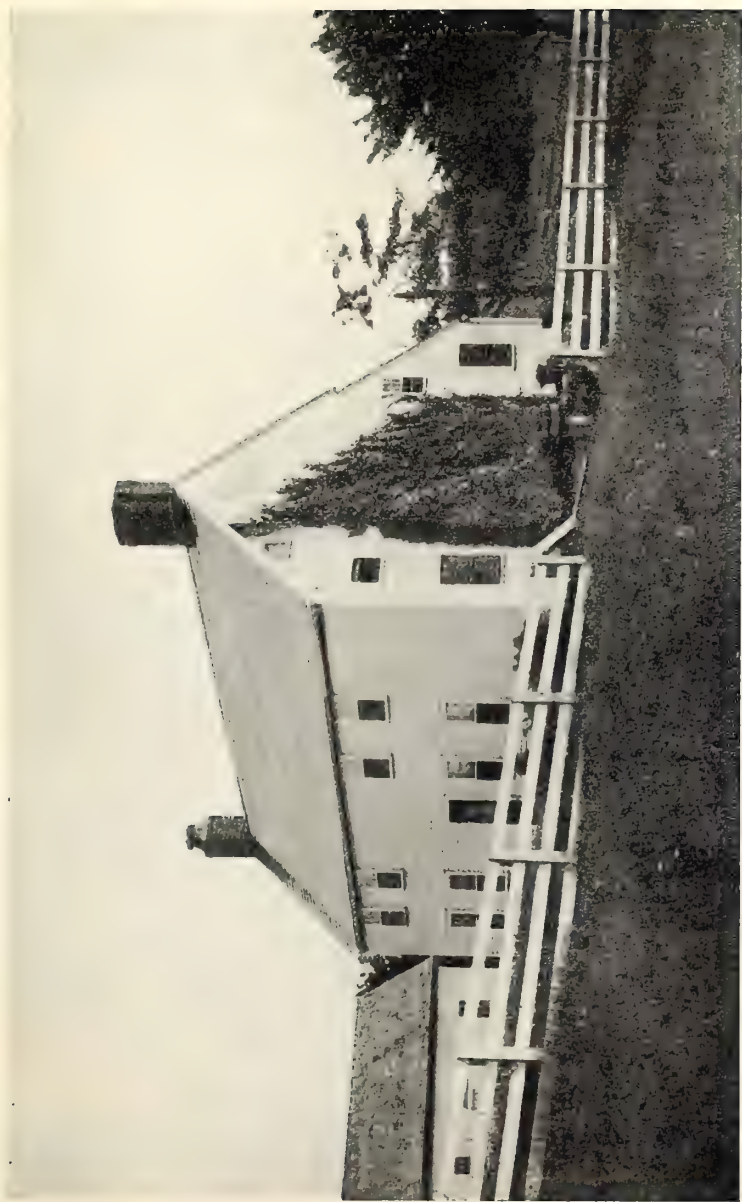
During his occupancy of the homestead he carried on both a tavern and what would pass for a country store. There are preserved among the manuscript collection of the city of Providence many hundreds of papers and documents which were once the property of Arthur and Thomas Fenner, and from these a very good idea of the life at the old Fenner tavern may be derived. He also kept curious books of accounts in which were detailed the family expenses and his dealings with his neighbors; thus: "In the yeare 1698 lent to Joseph Latham in silver moni 00-17-00", "Receved of my ffather fouer pounds in monni more Receaved in Shepes woll nineteene pound". He had many transactions with his relatives and others in which all sorts of commodities formed the subject of trade. A popular quality and a considerable quantity of cider was produced on his farm and was bought extensively by his neighbors. "In the yeare 1696" he "deliuered to William Randall

to one quarter of bef	00-06-00
more 2 bariles of Sider	00-16-00
more 2 bariles of Sider	00-13-00"

Down on the meadow lands of his farm, herds of cattle fed on the sweet grass; and the butter and cheese which this farm produced show the industry of the Nutaconconet farmer.

"The Acount of butter and Cheese that mr Moses Reaid had of me in the yeare 1700 delivered to the aboue said Reaid 1227 pounds of Cheese and of Butter 353 pound and in the year 1701 more Butter 337 pound and more Cheese 850 and in the year 1703 more butter 2 firkinnes and 10 Cheeses not wayed".

All manner of chronielings appear among his writings, even that always engaging subject, the weather, and he has preserved the record of a wonderful happening: "In the yeare 1703 Theire fell a Snow apone the 28th of September and apone the nouember following one the 2d day of the month therre fell a frezeng halle Snow with Som Raine which froze one the trees very much and apone the 9th day of the fore named nouember theire fell a nother snow and one 15th day thihere fell a nother snow and apone the 27th day and the 28th day theire fell a greate Snow then theire did not fall much more Snow



HOME OF CAPT. THOMAS FENNER, CRANSTON, R. I.

ERECTED 1677.

until the 25th and 26th of the December following the 26th day was a Exstreame Storme of Snow with a very hi winde”.

It would be of additional interest if the Major had given us a more detailed account of this “Exstreame Storme” and “hi winde”.

There are also other meteorological reports from the tavern with their varying statements of “Cleare and Coole”, “Sumthing Cloude” and “indifferent worme for the Season”.

Public office always fell to the lot of the tavern-keeper, and Thomas Fenner was no exception to the rule; and no wonder that it was so, for the influence of the tavern-keeper, consulted and advised with by all the neighbors as he was, could not but make him a conspicuous personage and his services valuable to his fellow men. As captain and major in the militia, deputy, assistant, surveyor, pound-keeper and tavern-keeper, he ran the whole gamut of public trusts.

Thomas Fenner died on the 27th of February, 1717-18, being then sixty-six years of age. In his will, executed only a few weeks before his death, he says that “being very sick and weake of Body yet through the mercy of God of a Good understanding with Respect to a disposing mind and memory and not Knowing how Shorte my time may be here on Earth”, he devised his estate, amounting to £433 19s. 09d., besides his houses, and lands and meadows, to his wife and children.

His “beloved wife Dinah ffenner” was to have the “old parte of my dwelling house during her life”. One hundred and fifty acres of land and also the half of the “Housing” which he received by will from his father, was given to his son, Thomas Fenner, and the property since that day has never been out of the family, being owned now by one of his descendants, Mr. Samuel A. Hazard. The house is more generally known to-day as the Sam Joy place.

The major was buried in the family ground on the farm of his father adjoining.

This old Fenner house was more than a hundred years old when the French army marched by it that June day in 1781, on the way to Yorktown, to take part in that memorable engagement which settled the claim of England to the United Colonies.

Around this old house have congregated all of the men who laid the foundation for this little commonwealth, and within its walls all the thrilling episodes in our national life have been discussed.

#### THE ROGER MOWRY TAVERN.

One by one the old houses which were connected with the early history of the town have been demolished, and the Roger Mowry Tavern, the only house which dated back to the dark days of King Philip’s war, was demolished within the past few months. It was originally a little house with a huge stone chimney, but from time to



time as years rolled on additions were made to it, so that to a stranger's eye there would appear nothing venerable about it, until he entered the house or, proceeding up the hill, turned and viewed the old chimney stack extending up on the outside of the structure, or, pausing for a moment, considered the extreme age of the graceful elms which shaded its yard. The house was situated on Abbott street at the north end of Providence, only a few steps from North Main street, and was often resorted to by those who were interested in studying such venerable relics of early days.

It was in May, 1655, that Roger Mowry was granted a license to



THE ROGER MOWRY TAVERN.

Sometimes called the Abbott House, situated on Abbott street Providence. Built about 1653.  
Demolished 1900.

keep a house of entertainment and was directed to "sett out a convenient signe at ye most perspicuous place of ye saide house thereby to give notice to strangers that it is a house of entertainment".

It is unfortunate that no record exists as to the name or device which must have appeared upon this sign so conspicuously displayed. In Old England the tavern sign was a most important appendage to the tavern; they were elaborately and ingeniously designed, nearly always

with some device illustrating the name by which the tavern or inn was known. In later years tavern signs were numerous enough throughout Rhode Island, and they remained, swinging idly on their rusty hinges, until well along in the present century.

In the early days of the town's life this house was a conspicuous place, as the tavern always was. It served many purposes, too; besides being the first hostelry in the town, its rooms were used for town meetings and for council meetings. Here, too, prisoners who had been apprehended for alleged crimes were kept in confinement. Here the Indian Waumanett was brought and confined in irons after his murderous assault on Clawson, the Dutch carpenter, and tradition says that Roger Williams held service for the worship of God within its walls.

Roger Mowry, who is so identified with the old house, came to Providence in 1643 from Salem. He had formerly resided in Plymouth, in all of which places Roger Williams had been located for a greater or lesser time. It is mainly from this fact that a tradition has been based that the two Rogers were kinsmen. If, however, no relationship existed, Mowry seems to have been a devout follower of his more illustrious namesake. Mowry first appears in Salem in 1636; a year later he was appointed by that town to the office of "neat herd" and had the keeping of all the town cattle; the custom of the time being to drive the common herd afield during the day and returning them at night during the season when the grass was suitable for feed. His term of office commencing the "fifth of the second month" and to continue eight months; "another sufficient man" was associated with him. A stated time was fixed when each townsman should have his cattle ready to be driven with the common herd, and those who from various circumstances neglected to have theirs ready at the appointed time and place were obliged to bring them themselves after the herd. For this duty the price was regulated at 7s. a head for "all except bulls"; this was ordered by the town "to be paid in four equal payments and always one quarter before hand".

His life in Salem seems to have been, with this exception, an uneventful one, and in 1643 he joined his lot with the men who had established in Providence a free government. But it was not until 1655 that he comes prominently to notice, and in that year everything came showering down upon him at once.

He was selected by the General Assembly to the important and honorable offices of tavern-keeper, constable and "Serwaier", but his connection with the tavern was the most important; in point of fact, if the truth could be known, it was this that brought to him his official preferment, for after a lapse of nearly twenty years, during which time no public house had been a part of the town's institution, he came and filled a long felt want.

In the early days of colonial life the habit of drinking liquor was indulged in by all classes—men, women, and even children; large quantities were brought into the town, while, besides this, some of the townsmen had all the paraphernalia necessary to make such liquids.

One of the greatest hardships which the early settlers in America were called upon to endure was their inability to procure liquor. Good old Governor Bradford has left us the evidence of the troubles of the Pilgrims in this respect, and Parson Higginson, of Salem, said in 1629: "Whereas my stomach could only digest and did require such drink as was both strong and stale I can and ofttimes do drink New England water very well"; another early chronicler says that it was "not accounted a strange thing in those days to drink water".

But they were not long destined to be deprived of the drinks of the mother country, for the records contain references early in the Plantations' existence of sack, Dutch brandy, Spanish wine, rum, and "Jonavah", which was their method of spelling Geneva and what we call gin. Liquor legislation was as bountiful then as now, and it would seem that the reason for it was just as great. Notwithstanding the fact that all liquors brought into the town should be regularly entered upon the town books, there was the same inclination in those days to disregard the liquor laws that is found to-day.

It seems that on the 4th of July, 1655, a day certainly celebrated for illegal liquor transactions, Roger Mowry, the constable, and Sam Bennett, the town sergeant, had their attention brought to certain irregularities in this respect, and so they instituted a search, which resulted in the following record being made by the town meeting:

"Whereas there was search in ye Town made by Roger Moorie & Sam: Bennet & there was found in the possession of mr ffouler Marie Pray Mr Sayles wine & liquors wch for theire diffect of non entrie of it it was the halfe of it forfeit to ye Towne. But they all pleading ignorance in the law made to yt purpose were By the Towne remitted freely".

Our ancestors were of a forgiving nature and the early records contain many entries where misdemeanors of various kinds were "forgiven freely", if the offender appeared before the forgiving body with a contrite heart.

The excise of liquors required that "all Spanish wine that is retailed in this Towne shall be sold at 22*d*. P qrt & all liqrs at 3*s*. P qrt & in case any who doe retaile excede these prices upon prooffe thereof the parties offending shall forfeit for everie qrt not sold at ye price aboue sd the summ of 5*s*. at 8 P d."

As the town grew and opportunities increased, the townsmen were enabled to gratify their desires for alcoholic stimulants. When sufficient time had elapsed for the apple and peach trees to bear fruit, attention was directed to making cider, peach juice and



peach brandy; apple mills, apple pounders, cider mills, cider presses and cider troughs are found frequently named in the old inventories along with summer cider, winter cider and peach juice.

Roger Mowry died January 5, 1666. His widow, Mary Mawrey, as the name is spelled in the records, was made the executrix of his will, but owing to the loss of the earliest book of probate records, we are unable to ascertain how his estate was divided or of what it consisted. The inventory of his personal effects would have no doubt shed much light on the character of the caravansary over which he presided with dignity for many years.

On the fifth day of September, 1671, Mary Mowry, "late wife of Roger Mowry", sold to Stephen Paine of Rehobath, "The dwelling house and out housing with three house Lotts, or home Shares of Land adjoyneing to the said hovseing the which formerly belonged unto my said husband Roger Mowry . . . scituate lieing & being in ye north part of ye afore said Town of providence near the Towne Street".

The boundaries given in this deed and subsequent deeds of the property show the location of the house and the old driftway (now called Abbott street) which originally led from the town street to the tavern yard.

The next transfer was from Stephen Paine, who conveyed the property thus acquired to Samuel Whipple. Here he lived for nearly forty years until his death in March, 1711.

There was a "leanto" connected with the house at this time, having two rooms, one up stairs and one down, the lower one being a sleeping room.

By the will of Samuel Whipple, made three days before his death, when "sick & weake of Boddy", he gave his homestead or dwelling house with all the "lands & orchard thereunto adjoyneing Reaching from the Town street & Extending Eastward to the land which belonged to the deceased Daniell Brown", to his wife, Mary Whipple, during her lifetime, and after her death to his daughters, Abigail and Hope. About ten years previous to the death of Samuel Whipple a portion of the tract of land now known as the North Burying Ground, and then the "most desolate sand hill in the plantation", had been selected as the town burying-place; here Whipple was buried, being the first interment that was ever made in these grounds.

Abigail and Hope Whipple both inherited the homestead estate of their father. Subsequently each became the wife of Robert Currie, first Hope, then Abigail upon her sister's death. Eventually Currie became the owner of the old place and held this ownership until 1737, when he sold it to William Smith, Job Whipple and John Whipple. It remained in the Whipple family until 1761, and it is from this ownership that has given it the name of the Whipple House.

In the latter year it was purchased by Capt. Joseph Owen; one of his daughters married Thomas Abbott, of Andover, Mass., a tanner by trade, which pursuit he followed at a tannery formerly located directly opposite to this old house. Here Thomas Abbott lived until his death, June 11, 1826, and thus gave to it the name of the "Abbott house"; by this name it has been known more extensively than by any other, although it was upwards of one hundred and seventy years old ere this name was bestowed upon it.

This ancient dwelling is full of historic interest, for here the men who founded the first free state met to enact laws for its government.



HOME OF LIEUT.-COL. THOMAS NOYES, NOYES POINT, NEAR WESTERLY.

During the war of the Revolution this house was used as an armory and as military headquarters. It was demolished in 1884. From a photograph made in 1873.

#### THE JOSEPH NOYES HOUSE.

At Noyes Point in the town of Westerly was the homestead of Col. Joseph Noyes. It was an important place in the years of the Revolution, for it was the military headquarters of this section. The Noyes farm bordered on the seashore. In front of the house, to the southward, sand dunes, with fringes of coarse beach grass, rose here and there between which sparkled the waters of the ocean. To the northward was gently rolling farm land, crossed and recrossed with many stone walls. Like many of the ancient farm houses which were formerly scattered along the seashore, this, too, has been sacrificed to make way for the summer cottage, and in 1883 the Noyes homestead was demolished.

On the second floor of this old homestead was a room called the "Big Room"; this was the Armory where a portion of the town arms and equipments were kept for the use of the Westerly companies.

Col. Joseph Noyes and his son, Lieut. Thomas Noyes, both lived in this old house. They were actively engaged during the war, the latter seeing a longer and harder service than the former. Col. Joseph Noyes was the commander of the First Regiment of the militia in Kings county, his military service being almost entirely confined to the State of Rhode Island; but there was actual warfare here, and at the battle of Rhode Island Colonel Noyes performed valiant service. He also served in the legislature of the State and held important positions on committees for his town and State. Thomas the son, however, was a lieutenant when but twenty-one years of age in Capt. Thomas Arnold's company of Col. Christopher Lippitt's regiment, and was with the Continental army at the engagements of Harlem Heights, White Plains, Trenton and Princeton. After his term of enlistment terminated he returned to his home and became active in the affairs of his native town.

The original commissions of Thomas Noyes are yet preserved by his grandson, who prizes these ancient documents, for they bear testimony to the part this old patriot took in the struggle for American Independence.

#### THE EDWARD MANTON HOUSE.

The locality where the Edward Manton homestead stands has been called for many years "Manton". You will find it painted in huge letters on the little red shed that passes for a railroad depot, and the cars of the electric road have the same name painted upon them.

And well may the country hereabouts be called Manton, for nearly the whole territory, covering acres and acres, originally belonged to the Manton family, and the name perpetuates the memory of one of the great landholders in the early days of the Plantations.

The house would never be noticed as an old house, so disguised is it by the ells, porticos, piazza and other ornamentations that have been added to it, were it not for the curiously built stone chimney at one end, which looks as though at any minute it would topple over and crush the little structure beneath it. It is this chimney that stands out before you that suggests its age, and leads you to enter the house for a confirmation of your suspicion.

An examination of the interior confirms all you may have conjectured, and although within and without many changes have been made, there is yet remaining marks that show its age, so interwoven with the structure that they can never be effaced while the house itself remains.

It originally had but two rooms, one up and down stairs, and the



stairway led right up by the side of the chimney in nearly the same place where the present stairs are located. With the exception of this space occupied by the little stairway, probably nothing more than a ladder originally, the whole width of the house was fireplace, that being nine feet between jambs, while the length of the house was a little more than fifteen feet. It is low studded, only seven feet between floor and ceiling, with the great "summer" running through the center of the ceiling.

This little structure was the original house; additions have been tacked on here and there until no part of the outside of the house to-day is in its original condition, save the end where the great chimney stack is located, and even this has had a few bricks laid on it to stop up cracks and make the chimney tight.



EDWARD MANTON HOUSE, MANTON, JOHNSTON—ERECTED 1683.

The owner cherishes the old place from family associations, and has had repairs made from time to time and the date "1687" carved in pretty letters in the peak of the modern dormer window. She may well have carried this date back four years, for there is good reason to believe that it was erected as early as 1683 by Edward Manton, grandson of the first Edward and son of Shadrach, the town clerk of Providence, a companion and associate of Roger Williams.

The land on which this house is built was a part of the territory "laid out in the right of his grandfather".

Edward Manton, the grandson, doubtless received it from his father, but no record of such a transfer is found. It was a part of the Secesakut lands, which were mostly in the possession of the Mantons and Olneys.

Edward Manton was the son of Shadrach. He married, December 9, 1680, Elizabeth Thornton, the daughter of John Thornton, a man of distinction in the early life of the Colony and one of the founders of the First Baptist Church.<sup>1</sup>

Although there was no evidence to fix definitely the year in which this house was built, the record shows that Edward Manton was living at Secesacut, July 1, 1702.<sup>2</sup>

But this house was erected before this time, for the study of the houses having this peculiar type of chimney shows that they were all erected within the period between 1676 and 1696. As he was married in 1680 and was living out of town or remote from the settlement in 1688, it seems certain that the house was built between these dates.

Back of the house to the westward was the "Wildwoods" and upland, over whose uneven surface the road to "Wiunkheage" wound this way, and then that, to escape a huge bowlder or some ancient oak of the primeval forest, while in the front of the house was the Woonasquatucket valley, with the river down between the wooded hills, stretching towards the Providence settlement.

Edward Manton died August 14, 1723.

This road leading to Wiunkheage is the highway now known as the Killingly road or "pike", but at the time of his death it had not been extended to the Connecticut line, and was not laid out and called the "Road to Killingsley" until March, 1728.<sup>3</sup>

But the highway to Wionkeake was "stated" many years before this. In 1703 it appears that, "Whereas some time since there was a Request Made by Some of the Jnhabitants of Wiunkeake in the Townshipp of Providence, that a highway might be stated out from the Towne to said Wiunkeake, that so a highway might be from thence to the Mill & to the Market; Whereupon the Towne made an order that William Hopkins & Thomas Olney surveiors should state out a High way from the Towne to Wjunkteake: The which about the latter end of March or the begining of Aprill in the yeare 1703" was done, and the record of this survey may be found minutely given upon the ancient town records. This report gives the names of the persons who owned the land through which this road passed. It shows the location of Manton's lands and the Assopumsett or Ossapimsuck brook. This name does not appear on late maps of the State, but on the map of Rhode Island by Caleb Harris, engraved for Carter & Wilkenson in 1795, it is there shown and called "Assapumpset Brook". The same little brook to-day trickles down its mossy bed only a few feet from the Manton homestead.

It was at Wiunkheage that a settlement was proposed early in the

<sup>1</sup> *Austin's Genealogical Dictionary of R. I.*

<sup>2</sup> *Early Records of Providence*, vol. v, p. 116.

<sup>3</sup> *Early Records of Providence.*

history of the Colony; a plan for the proposed township was prepared by Thomas Olney, which is now preserved among the archives of the City of Providence. It contains the rude drawing of a town house or block house on the Main street, in the center of this proposed township, but it does not appear that a settlement of the character contemplated was ever carried out. The name, however, is preserved and is applied to a hill in Smithfield; but the township of Wiunkeake exists only in the imperfect references found on the town records. In 1829 the legislature of the State granted a charter to the Wionkheigue Detecting Society, an organization founded for the protection of the horses, fowl and other live stock belonging to the incorporators.

The territory covered by this society may convey some idea of the locality of "Wionkeage", for it was declared in the charter that the "center of said jurisdiction shall be the store owned by Dan Mowry, standing at one of the four corners in Smithfield formed by the intersection of the old road leading from Wonsocket to Scituate by the Providence and Douglas turnpike road". Anywhere within nine miles of this point was within the jurisdiction of the "Wionkeheigue Detecting Society". The store of Dan Mowry and the old Angell toll gate were located at opposite corners on the Douglas turnpike. Besides these references to Wionkeage, the writer has seen old books which had written across their title pages, "Wiunkeage Library".

The estate of Edward Manton remained undivided for seven years, until June 4, 1730, when his children made a deed in which they divided the property. By this instrument the land on the "east side of the road that leads to Killingly" was divided into fourteen parts; this tract comprises all the land eastward from the road as far as Woonasquatucket River, "on which the dwelling house and barn standeth".

The homestead was not included in this division, but was to remain in the possession of all of the children, as was also "about a quarter of an acre of land round the said house with a free passage to the well and to the highway".

In course of time the house and lands belonging to this estate passed to other hands, and to-day but a small portion of the Secesecut farm belongs to descendants of the original owners.

#### THE EPENETUS OLNEY HOUSE.

On the banks of the Woonasquatucket River, nearly opposite the Manton homestead, until quite recently stood the tottering ruins of the deserted mansion house of Epenetus Olney. It was a grand old house in its day, with great square rooms, and boasted of a chimney topped with brick. It originally was much smaller than its appearance would indicate, for the north half was added many years after the other part was built.



Epenetus Olney, the first owner, if not the builder, was the grandson of Thomas Olney, who came from St. Albans, Hertfordshire, England, in 1635, and was one of the first settlers in Providence. His son Epenetus, the father of the owner of the house, came to America when an infant in his mother's arms.

Epenetus Olney was born in Providence, in 1675, during the dark days of the Indian war. He married Mary Williams, a descendant of Roger Williams, but no record of when this marriage occurred is found upon the records.

Epenetus Olney the elder died in 1698. He left no will disposing of his earthly possessions, for, as the record says, "Death seized him



EPENETUS OLNEY HOUSE, BETWEEN ALLENDALE AND LYMANVILLE,  
NORTH PROVIDENCE.

Erected between 1700-5. Demolished 1898.

before he could accomplish the same". Under the old English law of primogeniture his estate fell to the oldest son, James Olney; but James Olney, knowing that his father if he had been able would have divided his estate among his children, proceeded to comply with a wish that his father in his lifetime had expressed. It was not until August, 1702, that this was done.

In May, 1702, Thomas Olney, surveyor, "Rectefied & laid out a tract of land unto Epenetus Olney at his ffarm where he now dwelleth lieing between the place called Wanskuck (in Providence Townshipp) & Woonasquatuckett river". This land is bounded with great minute-

ness in the records, but a "heape of Stones", a "White Oake", and such boundaries convey little information to-day; one bound, however, was a "Red oake" on the Woonasquatucket River, and from this ranging along the river. It therefore shows plainly that the "ffarm where he now liveth" bounded on the Woonasquatucket. From this also we may assume that Epenetus Olney was married at this date, for here he had established his home.

Three months later his brother James conveyed to him by deed the tract "lieing and adjoining to the Woonasquatucket river", laid out by Thomas Olney in May. In this deed it is written "that my brother Epenetus Olney is now desirous to settle & be accommodated with some of his father's land to himself & hath already begun a settlement upon some part thereof by building & planting thereon".

These deeds fix the time when this house was built, for in May, 1702, it was the place "where he now dwelleth", and in August of the same year he had "already begun a settlement". The house being built, most likely, in the fall of 1701 and his first spring planting was finished when the land became his by act and deed of his brother James.

It was two stories in height and the chimney was topped out with brick, perhaps the very brick which was included in "a parcell of Bricks £00 05s. 00d." mentioned in the inventory of his father's estate. He selected a charming spot on which to build his home. Here the river widens and forms a basin with sloping banks on the southern side, opposite the house, while the grounds about it slope gradually to the river. A little brook, its source on the higher land to the northward, flows through his lands.

The southern end of the house is the oldest part; here was the solid wall of masonry extending almost its whole width into the second story, and was at the time the house was demolished with the cracks made by the elements, a most wonderful example of the work of those early craftsmen. Many changes had been made in the old structure. Little rooms and big rooms, fireplaces and cupboards were added here and there, until one might almost be lost in wondering through its deserted halls. In the front hall there was a great trap door which led down into the deep, cavernous cellar.

On the Olney farm tobacco was raised in considerable quantity. "Four hundred weight of Tobacco" was stored here in 1698. Here was raised in those early days beans, "turnops", "wheate", Indian corn, rye, "flex", while in the orchard, through which passed the road leading to the Providence settlement, there were "Apple and peach tree, fruited deep".

Epenetus Olney died in 1740, and for many years the old house was occupied by descendants of the original owner, until in time it fell

into decay, became ruinous and was abandoned as a place of residence, and finally demolished to make way for modern improvements.

#### THE PALMER NORTHUP HOUSE.

The Palmer Northup house in North Kingstown, on the post road near the village of Wickford, is another very old house.

It is said to have been built in part between 1640-50, but it is difficult to prove this fact on account of the destruction by fire some years ago of the North Kingstown records. The house stands on what in early days was the Pequot path, an Indian trail that led from the Massachusetts settlements into Connecticut, and this dwelling was doubtless a welcome spot for travellers over this lonely road. Nearly opposite was the trading post and garrison house of Richard Smith,



PALMER NORTHUP HOUSE, NEAR WICKFORD, NORTH KINGSTOWN.

Erected between 1640-50, situated on the Pequot path, the ancient Indian trail from Massachusetts into Connecticut.

while about a mile northward on the same trail was the trading post of Roger Williams. Near here, too, is Devil's Foot Rock, wherein are depressions said to have been made by the cloven foot of his Satanic majesty on an early visit to Rhode Island. The neighborhood about here was a well-known locality in the early history of the State and bore the euphonious name, Cocumsquissic.

At the time of the King Philip's war the forces that participated in the Swamp Fight made this locality their headquarters and numerous encounters with the hostile Indians occurred here. Tradition has left little to give the house special interest, and the records, too, are silent, but the marks which the early builder left upon it stamp it as of early construction.



## "MOWBRA CASTLE."

To the southward of the Northup house, near the railroad station at Bellville, on the same road stands the Phillips house, or, as it is sometimes called, "Mowbra Castle".

Like the Northup house, little definite regarding its early history is known, but it is stated that it was built by Michael Phillips between 1695 and 1700.

Its curious pilastered stone chimney marks it as a house of early origin and in a measure gives some authority for its date.



THE PHILLIPS HOUSE, BELLVILLE, NORTH KINGSTOWN.

Erected about 1700, located on the old Pequot path, the original Indian trail from Massachusetts into Connecticut.

## THE JOSHUA BABCOCK HOUSE.

The mansion house of Dr. Joshua Babcock is located in the town of Westerly. It is a fine example of early colonial architecture and is admired for its strength and beauty. The Dutch tiles around the fireplaces, the elaborate cupboards and ceilings, the carved and costly staircase, the secret closets, and great square rooms, all testify to the good taste and refinement of its builder.

Dr. Joshua Babcock was a major-general of militia, and also a member of the State's council of war during the period of the Revolution, and his abilities and character gave him great prominence. Benjamin Franklin, while postmaster-general, in his official tours

through the country, is said to have made the Babcock house his resting place; and it is also stated that he attached lightning rods to the doctor's residence. Here was established, in 1776, the first post-office in the town and Dr. Babcock was the first postmaster. The receipts of the office for that year were one pound, three shillings, and eight pence. Prior to the Revolution the nearest post-office was at New London, Conn.

"Dr. Joshua Babcock was born in Westerly, in the year 1707. He was graduated at Yale College, and soon after commenced the study of physic and surgery in Boston, and afterwards went to England to complete his education. He settled in his native town, where he soon obtained an extensive practice. He was likewise much in public business. As chief justice of the Supreme



BABCOCK HOUSE, WESTERLY.

Here Benjamin Franklin established a post-office in 1776, Franklin being a guest of Dr. Joshua Babcock, who was appointed postmaster.

Court of the State he pronounced the sentence of death on the notorious Thomas Carter for the murder of Jackson. Dr. Babcock had two half-brothers and three sons, who were all graduated at Yale College".

Dr. Babcock was elected one of the first corporators of Brown University in 1764, and was one of the Board of Fellows in 1770, and is recorded in the History of the University as a Seventh Day Baptist. He died April 1, 1783.

In this house Col. Harry Babcock, a distinguished soldier of Rhode Island, was born, April 26, 1736. At the age of eighteen (1754) he was appointed captain of a company, composing one of a regiment

raised in the Colony during the old French war, and marched to Albany, from thence to Lake George, and joined the army in the campaign of 1756, to dislodge the French from Canada. In 1757 Captain Babcock was promoted major; at twenty-one, was promoted to a lieutenant-colonel; at twenty-two, he commanded the Rhode Island Regiment, consisting of 1,000 men; and in July, 1758, marched 500 of his men with the British army against Ticonderoga. He had 110 men killed and wounded and was wounded himself by a musket ball in the knee. The next year he was with the force that took that fort under General Amherst. He had then served five campaigns in the old French war with great reputation. About the age of twenty-five,



BAKER HOUSE, CORNER WATER AND BAKER STREETS, WARREN.

Colonel Babcock spent a year in England, chiefly in London. Soon after his return he married and settled in Stonington, Conn., and commenced the practice of the law. When the Revolution commenced he was a staunch Whig; and in 1776 he was appointed by the legislature commander of the forces at Newport. Early in the Revolutionary struggle he had a severe illness which so affected his mind as to give "incontestable proofs of insanity", and he was consequently retired from the service.

#### THE BAKER HOUSE AND BURR'S TAVERN.

Within the town of Warren is an old structure called the Baker



House, situated at the corner of Water and Baker streets. Tradition asserts that this was one of the houses visited by the Hessian soldiers at the time Warren was attacked by the British forces in May, 1778. By some fortunate circumstance this house escaped being plundered, for it is said that one of the British officers ordered the marauders to keep away from it, and the house and its occupants were spared.

Here, too, was located the Burr Tavern, which formerly stood at the corner of Main and King streets, the latter now called Washington street. This hostelry was an important institution in the early days of the town, and here were entertained at different times many distinguished individuals. During the days of the Revolutionary war Generals Lafayette and Putnam were numbered among the guests, and Washington was entertained here on his visit to Rhode Island in 1781.

#### THE JOHN CRAWFORD HOUSE.

The Crawford house, so called, was built by John Crawford, the youngest son of Gideon Crawford, one of the first merchants of Providence, who was born in 1693. He married, at the age of twenty-two years, Amey Whipple. From both of his parents, who had died previous to his marriage, he inherited a considerable estate. By his father's will he was to receive £100 upon arriving at the age of twenty-one, while from his mother he received £137—large sums of money in those days; besides these amounts, other property, lands and goods were inherited by him from both his father and mother.<sup>1</sup>

It naturally followed that when this young merchant established his home that a dwelling more pretentious than others in the town was provided.

When John Crawford acquired the land on which he built his dwelling, his warehouses and wharves, cannot be ascertained from the records. The land may have been a part of the estate of his father or mother, but there seems to be evidence to suggest that it was otherwise acquired.

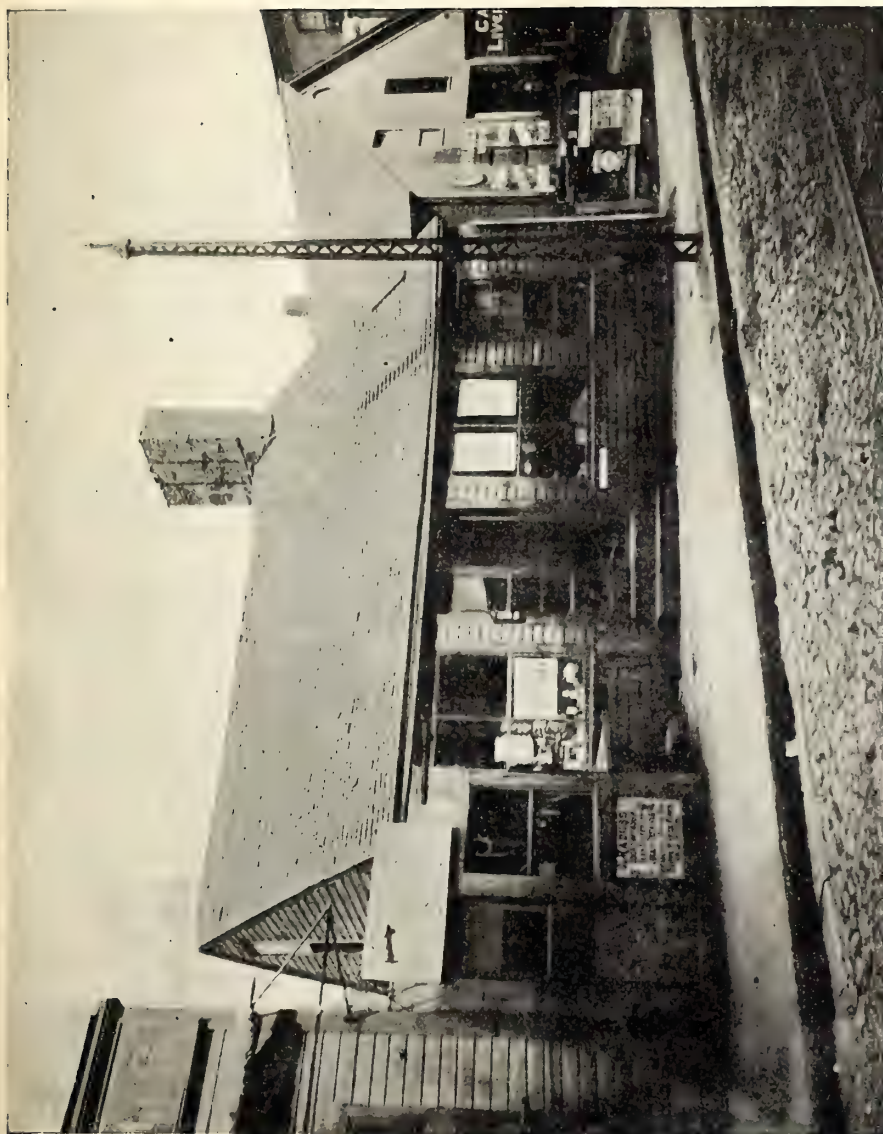
This house was situated on what in those days was called the "Highway running from the main street to Elisha Brown's corn-mill"; this thoroughfare is to-day known as Mill street.<sup>2</sup>

In January, 1763,<sup>3</sup> John Updike and Joseph Whipple, two merchants of Providence, sold to Joseph Nash, merchant, "two-thirds part of a certain lot of land situate in Providence aforesaid and butted and bounded as followeth, beginning at the northeast corner of a piece of land purchased by John Crawford of the Committee chosen by the Proprietors of the Lands in Providence on the East side of the seven

<sup>1</sup> Prov. Probate Records, Will Book I, p. 161-219.

<sup>2</sup> Prov. Deeds, Book 16, p. 236.

<sup>3</sup> *Ibid.*



THE CRAWFORD HOUSE.

FORMERLY LOCATED ON MILL STREET; ERECTED ABOUT 1708, DEMOLISHED 1898. IN THIS HOUSE  
NICHOLAS BROWN, FOUNDER OF BROWN UNIVERSITY, WAS MARRIED.

mile line for laying out house lots and selling common lands in and about the town and fully described in the return made by the said Committee dated the 25th of January 1717/8''; this statement, together with other known facts, makes it easy to determine why no record of the purchase by John Crawford is found upon the records.

For many years the town records and the records of the Proprietors of the lands in Providence were kept independently of each other. When at last the Proprietary lands had been disposed of and the Proprietors ceased to carry on their business in real estate, the records of their transactions remained in the hands of the person who last acted as the clerk of this body. He kept them as long as he lived, and upon his death they fell into the hands of his children. These old documents, books and papers were kept in a chest or trunk at the place of business of their custodian, and for a consideration antiquarians, conveyancers, and lawyers engaged in unraveling knotty problems of family history or the ownership in real estate were permitted to examine their yellow and musty pages.

After a time the custodian of these records endeavored to get the city of Providence to purchase them, for, it was urged, they were of great importance in the examination of the land titles in the city, but the amount which the city was asked to pay was considered too great, and after a while the subject became forgotten.

One cold winter night a few years after these negotiations had ended, a fire broke out in the business part of the city. In the morning, where only a few hours before stood substantial business blocks, there was left only their blackened and smouldering ruins; in this fire was destroyed the "Records of the Proprietors of the Lands in Providence".

The return made by the committee in 1717-18 contained all of the information which would have determined the question of title. There is enough, however, to confirm the tradition regarding the house and lands of John Crawford. It is stated that the house was built in 1716, as Crawford was married in 1715 and the land was his previous to 1717. There can be no doubt but what the Crawford house was built as early as 1716.

Many changes have taken place in the topography of the neighborhood about his home. To the westward where now are streets teeming with the busy life of a city and great brick buildings devoted to manufacturing and business purposes was, in the days of Crawford, shore lands and a picturesque basin of water where the Mooshausic River emptied into the Salt Water Cove. The grade of the highway leading to the corn mill was much lower in Crawford's time than it is to-day, for the sidewalk to Mill street now is even with the windows in the second story where is the entrance to the building; from the



street it has the appearance of a one story building, but by passing to the rear down toward the river its original size can be seen.<sup>1</sup>

Down by the waterside back of the house were the ship yards, wharves and warehouses. No records or traditions are found that give a satisfactory story of the vessels which were tied up at the wharves or lay on the stocks, but they probably differed little from those built in other parts of the Colony about this period.

At the time Crawford built his house, brick had become common for building purposes. Brick clay was abundant. A few years later a committee was appointed by the town to "agree with Mr. Thomas Staples upon what terms he may have liberty to dig clay at Waybausett Hill to make bricks".<sup>2</sup>

One end, the north end, was built entirely of brick. Here was the chimney with a triple stack, and the good work of the builder was clearly shown, for it faced the northerly blasts for more than one hundred and eighty years and stood as firm and rigid as when it was built.

John Crawford followed the sea and soon obtained the command of a vessel.

Captain Crawford did not long enjoy the substantial fortune which he had acquired. On the 18th of March, 1718-19, he died, having been married less than four years. He was stricken down in the midst of a busy life in the full flush of manhood. His vessel, the *Indian King*, which he commanded, lay at his wharf unloaded; in his shipyard was a "new sloop upon the stocks almost finished", while his shop was well stocked with all sorts of articles of his trade.

The inventory of his estate gives much information as to the articles of domestic use that had at this time been brought within the reach of the townspeople.

His home must have been the most elaborately furnished of any in the town, for he had two chests of drawers and "carpett" to cover them, for carpets in those early days were not coverings for the floor, but for chests, tables, &c., two Japanned tables, two oval tables, "Joynt" stools, desks, nineteen chairs, looking-glasses, candle-sticks and other small articles of household use, besides bedsteads, beds, flock beds and feather bed, he had "an Campire bedstead and furniture", whatever that may have been, and a "hammack", "puter" dishes, china dishes, glass ware, earthen ware and wooden ware for his table and fine linen to place them on. Besides bottles, wine glasses and brandy to put in them, he had five pipes of wine. In his shop goods of all kinds and varieties were stored. Besides a great variety of dry

<sup>1</sup> Since this account was prepared the Crawford house has been demolished and the street on which it abutted has been widened in carrying out the improvement of Charles street.

<sup>2</sup> *Early Records of Providence.*

goods there were articles to suit all customers, indigo, glassware, tobacco, boxes, axes, brushes, pewter, knives, bolts, "treacle manna", beeswax, ginger and "allum", nails, powder, "gun flints, sugar and halters".

His whole estate was valued, outside of his lands and meadows, at £1,614 02s. 11d., showing the thrift and ability of this young trader. His lands consisted of "his Lotts of Land, Dwelling house, Warehouse, Stable and wharfe", "neere toagether", valued at £400, while besides this there were large tracts in the outlying country appraised at £1,665.

Captain Crawford left a widow and two children, a son and a daughter. From this daughter was descended Ann Carter, the first wife of Nicholas Brown. She died June 16, 1798, having been married about eight years.

The Crawford homestead in course of time came to the possession of Captain Crawford's granddaughter, who married Benjamin Steele, a son of Rev. Isaac Steele, who had established a Latin school in Providence in 1776.<sup>1</sup>

Benjamin Steele was an active patriot during the Revolution. He was adjutant in Colonel Tallman's regiment, was "officer of a flag of truce sent to Rhode Island at the time Rhode Island was evacuated", and later was deputy paymaster-general in Rhode Island. From his long residence here it became known as the Benjamin Steele house and is more frequently called by that name.

It was here on the 22d day of July, 1801, that Nicholas Brown,<sup>2</sup> the "eminent merchant, the friend of the friendless, the patron of learning, the benefactor of the insane, and the liberal promoter of every good design", was married to Mary Bowen Steele, the daughter of Captain Steele.

In those days the neighborhood where the Crawford mansion is located was occupied by the homes of the townspeople, but with the growth of the town and city the condition of the whole neighborhood has undergone a great change. The houses along the street, erstwhile the "highway leading to Elisha Brown's Corn mill", are now packed with refugees from distant lands. The little shops scattered throughout this section bear signs with the name and trade of their occupants in the strange characters of a foreign language, and all about there is striking evidence of neglect and decay.

#### THE TAGGART HOUSE.

When the British army landed on Rhode Island in December, 1776, many of the families fled to the mainland, taking with them such

<sup>1</sup> *Chad Brown's Memorial.*

<sup>2</sup> *Ibid.*

effects as they could hastily get together, while others undertook to continue their abode on their farms.

Such as remained were forced to submit to all manner of indignities. Their homes were selected as quarters for both the English and Hessian officers, and their property was treated as though its owners had no right or title to it.

Perhaps no family on the island sustained so great a loss or suffered more severely from the depredations of the enemy than that of William Taggart, and the story of the Taggarts is a sad recital of the sufferings that were endured by the patriots of '76.

The story is mainly obtained from the memoirs of William Taggart the younger, who was an officer in the war, and who prepared, in 1833, a very full account of the trials of his family; the story has been printed and appears in full<sup>1</sup> or in part<sup>2</sup> in books long since out of print. It is such a graphic account of the thrilling days of the war that it is repeated here substantially as prepared by Taggart himself.

"William Taggart, the elder, was a respectable citizen of Newport", and held many offices of trust and importance in the town and Colony. He resided in the town of Newport until 1770, when, having returned from a voyage to sea, he removed with his family, consisting of himself, his wife and twelve children, to a farm which he had purchased in the town of Middletown and about six miles from Newport.

They were thus happily situated on their farm when the war of the Revolution commenced. A few days after the British army landed on the Island a Hessian colonel took possession of their home, for himself and his officers.

"Although the Colonel was extremely polite", says Taggart in his memoirs, "yet the mother of this numerous family was rendered very uneasy, and could not bear the idea of being among soldiers, in such a state of vassalage and danger, more especially on account of her daughters, who, she was very apprehensive, would be particularly liable to the insults of a brutal soldiery. She therefore prevailed upon her husband to remove the family from the Island; and accordingly the whole, with the exception of my father and two of my brothers next in age to myself, removed, under my care, to the town of Little Compton. During the following summer an expedition was formed, under the command of Major-General Spencer, to attack the British troops and to obtain possession of the Island, and the town of Newport.

"About this time, a person came from the Island with a flag, and informed me that my father had expressed a wish for me to come over to the Island and have an interview with him.

"I communicated this fact to Colonel Joseph Stanton, who then commanded at Howland's Ferry, in Tiverton. He assented to the proposal and directed three officers of the American army to accom-

<sup>1</sup> Cynthia Taggart's *Poems*, three editions, 1833, 1834 and 1848.

<sup>2</sup> Cowell's *Spirit of '76 in Rhode Island*.



pany me, and to obtain the best possible information of the force, strength and situation of the enemy.

"One of these officers was a Lieutenant Charles Handy, of Newport. On the following night we proceeded to my father's mansion on the Island, and ascertained, to the best of my recollection, that the British force did not exceed two thousand men, who had scarcely any intrenchments on any part of the Island; that their naval force was very small, and in such a situation, that an expedition might, if judiciously arranged, be so conducted as, under God, to insure success. We returned in safety, and made report of every particular to the proper officers. The expedition was rapidly progressing.

"In the interim, I several times went upon the Island, to obtain additional information, previous to the night which had been assigned for the landing of our army; and through the same channel, I received all the intelligence which was desirable or necessary.

"The night at length arrived. Our troops, said to be twelve thousand strong, were drawn up, under arms, ready for embarkation. A party of about thirty, of whom I was one, was detached in three boats; and having landed, well down to the mouth of the river, we immediately repaired to my father's house.

"He, with his two sons, who, until this period, had remained on the Island, and had communicated much important information to the American commander, now joined us.

"Our orders were, to proceed to Black Point, so called, which was the place designated for the landing of our army.

"The landing was to be made, at a signal which had been previously arranged; and we were ordered to secure the sentinels in our route, and to call on the inhabitants to come out with their teams, &c., to assist in transporting the cannon. On our way we captured two mounted light-horsemen, who were patrolling the shore; and, after our arrival at the appointed station, we waited until near day break, for the signal. But it was not given; and to our great mortification and disappointment, we were under the necessity of leaving the Island, accompanied by my father and brothers, who undoubtedly would have been condemned to an ignominious death, if they had remained; as the active part which they had taken, in communicating intelligence to the American forces, was now discovered. They were accordingly compelled to abandon a valuable property, which was destroyed by the ruthless enemy."

Houses, barns, orchards, fruit trees, fences, were all wantonly torn to pieces; and the whole farm left a barren waste—the mere soil, which they could not destroy, alone remaining.

A short time previous to this a farm in Little Compton, called the Seaconnet Farm, belonging to a man by the name of Sisson, a Tory, had been confiscated, and on account of the serious loss which Judge Taggart had sustained, the General Assembly, in December, 1777, in recognition of his patriotic services, directed that the farm be delivered

to him to improve the same for the support of himself and family, rent free; the sum of £300 was also voted him from the treasury as a gratuity for his "suffering and damages sustained by his extraordinary exertions in behalf of, and for the advantage of this State in the late intended expedition against the enemy on Rhode Island".

In May, 1778, another expedition was planned against Rhode Island by General Sullivan, and William Taggart, senr., was appointed commander of the boat service in connection with the contemplated expedition, his experience as a ship master particularly qualifying him for this important service. This position gave him the rank, pay and rations of a major; associated with him was his son William, who was commissioned a captain. They were both engaged with Sullivan until March, 1779, when they returned to the farm at Seaconnet.



TAGGART HOUSE, LITTLE COMPTON.

"Toward the latter part of the July following, a large party of Refugees from Newport, came to Little Compton, for the express purpose of making prisoners of Taggart and his sons.

"This party landed undiscovered", continues Taggart in his narrative, "although there was a guard kept at the house where we dwelt and sentinels were stationed on the shore.

"Two of the sentinels, discovering a boat, hailed and fired; but were immediately seized by the enemy, then at their backs, with threats of immediate death for daring to fire. We were alarmed at the house by the report of the muskets; and I and my unfortunate brother, having armed ourselves, were instantly made prisoners by the enemy, who were in ambush.

"As they appeared to be in confusion, my poor brother attempted to escape, by leaping over a stone wall; and had proceeded some

distance, when he was fired on, and wounded through the thigh. One of the merciless desperadoes pursued, and ran him through with a bayonet. They then took four of our party on board their schooner, and lodged us in the jail at Newport.

"I there remained a prisoner for about a fortnight, when, with a Captain Benjamin Borden, of Fall River, I made my escape, in the following manner. The prisoners were occasionally permitted to go into the cellar, where we observed that, instead of iron, the windows were furnished with wooden bars, which might easily be removed with a good knife. But even then, there were difficulties to be surmounted, which, to persons less determined than ourselves, would doubtless have appeared insuperable.

"Sentinels were placed both in front and rear of the prison; and were continually patrolling. At the east end of the building, there was a narrow street, communicating with the front and back streets of the prison.

"From the cellar window, by which we escaped, a few steps brought us into the street in front, and in view of the soldier; who, fortunately for us, was at that time in the sentry box, on account of the rain which was falling. We had previously selected a topic of conversation respecting New York, that we might appear to have recently arrived from that place; in order to avert suspicion which might arise in the mind of the sentinel, or of any other person whom we might meet. We had agreed to walk deliberately, and without betraying any signs of fear, and were providentially enabled to pass, in the twilight, safely through the compact part of the town.

"Near the hay-scales in Broad street, we went into the fields on the south-east of that street; and at a short distance from thence, without detection, we crossed the lines which enclosed the town, although these were strictly guarded.

"We then attempted to cross the road, and to steer our course between the forts by Irish's and Tammany Hill, in order to avoid the regiment of Anspach, which was encamped near by; but, as it had then become very dark, we soon found ourselves much too near for our safety. The darkness however prevented our recapture; for, as we heard the sound when the guard was relieved at the fort at Irish's, we (to use a not unapt metaphor) were enabled 'to steer between Scylla and Charybdis.' We came out into the west wood; and having proceeded about eight or nine miles towards Bristol Ferry, halted at the house of Nathan Brownell, who received us with great kindness.

"As the troops at that season of the year, were encamped in the fields, it was extremely hazardous for us to visit, at seasonable hours, those of the inhabitants who were friendly to the American cause; but still greater, and apparently insurmountable obstacles opposed any attempt to leave the Island, undiscovered.

"As the shores were closely guarded, we could not possibly obtain a boat; and our only alternative was to procure a number of rails from



the fences, for the construction of a raft; and then to await a proper time for making an attempt to escape in that manner. This was truly the most hazardous part of our enterprise; for we were obliged to launch our frail and unseaworthy bark between two of the nightly guards which were stationed on the shore. But the same Providence, by which we had thus far been so signally favored, still shielded and protected us. We left the shore with our raft, unperceived. A thick fog soon came up, and as it was very calm we knew not in what direction to steer.

"We were all night upon, or rather in, the water, as our rude bark was not strong enough to keep us entirely above the surface; and at daybreak, when the fog passed away, we found ourselves so near the Island, that we could see the sentinels leaving the shore, and were in momentary expectation of being pursued and retaken. We were, however, enabled to continue our cruise; and, about an hour after sunrise, we safely landed from our sinking raft, on the south point of the Island of Prudence, a distance of eight or ten miles from the spot where we embarked. From Prudence, we were taken in a boat, and conveyed to the town of Bristol; and from thence proceeded to our respective places of abode."

The Taggarts remained at the Seaconnet Point farm until the evacuation of Newport and the Island by the British, when the family again returned to the Island, but the home which they had been obliged to so hastily abandon no longer greeted their gaze.

Not a vestige of the house or the buildings around it remained; "the orchards, the fruit and ornamental trees were utterly destroyed; even the hay and rails were consumed and nothing remained but a barren, uncultivated heath."

Judge Taggart never recovered from the losses which he had sustained; when he died his farm was heavily encumbered, and his son William, who inherited his estate, struggled for years to maintain it. A short time before his death he secured a small pension from the government for his honorable service.

The house where he died is still standing on the westerly side of the west road near the town clerk's office in Middletown and is occupied by one of his descendants. The house on the Seaconnet farm is also standing and is located on the Kempton farm at Seaconnet, in Little Compton, not far from Warren Point.

It is not materially changed from its appearance that night when one of the household was so brutally murdered.

The story of the Taggarts would be of greater interest and more satisfactory had the chronicler mentioned somewhere the name of the "unfortunate brother", but nowhere in the narrative or other accounts is his name mentioned.

DAVID ARNOLD'S TAVERN.<sup>1</sup>

The stories of the old taverns and the events that transpired within their walls contribute no mean part to the history of the eventful days of the Revolutionary struggle. The colonial inn or ordinary was the common gathering place for the community in which they were settled. Here the people could assemble around the blazing fire in winter or lounge where the summer breezes blew and discuss political questions and other subjects which entered into their everyday life.

The tavern was the center around which the whole town swung. The townsmen assembled within its spacious rooms on town meeting day; the town council here held its sessions; notices for the information of the people were posted upon the tavern door, and the traveller from a distant town found here refreshment and shelter. The traveller was always a welcome guest for the news and gossip which he brought. Newspapers were few, the post irregular, and most of the information from the outside world was obtained in this way. In some respects the tavern was of far more importance than the town in which it was located. People knew of the tavern and the tavern-keeper while they knew nothing of the town; distances were always reckoned from tavern to tavern, and not from town to town, and this custom was kept up until well along in the present century. The early numbers of the *Old Farmer's Almanack* contain the tables of the old stage routes, and the distances from tavern to tavern are scheduled with the same exactness as the trains on the railroad folder are to-day. The tavern-keeper was the only licensed person to sell liquor, and this fact alone gave to the inn a popularity which, in those liquor loving days, could not be found elsewhere.

From his environment the landlord naturally became a most conspicuous personage.

He was fully informed as to what the town council would or would not do, had great influence in furthering such objects as he had been convinced, in one way or another, were for the public good, and while he was the friend and confidant of all who gathered around his board, he was always a good friend to himself.

But they were by no means a selfish lot, and many a poor, penniless wayfarer found a comfortable seat by the fireside and a good meal at the table, even though his score was left unsettled.

The tavern-keeper always enjoyed the confidence of his neighbors, and his views on public and current questions were regarded with great weight and importance.

During the years preceeding and following the American Revolution the tavern or public house became the headquarters for discussing the

<sup>1</sup>For photograph of this historic house see chapter on the Wars and the Militia.

situation of affairs in the Colonies; here the yeomanry of the country discussed their grievances and within the walls of these houses were unfolded many of the plans which finally resulted in bringing about American Independence.

During those exciting days in Rhode Island when British troops held possession of part of her territory, stirring scenes were enacted within the walls of an old tavern located in the town of Warwick.

David Arnold's tavern was situated on the main road in Old Warwick, a few rods southerly from the road which leads down to Warwick Neck. The house is still standing, although changed considerable from what it was in those eventful days. It is a low gambrel roofed house, painted red, and stands back from the road surrounded with a spacious yard.

Near Arnold's tavern, in 1776, John Low was ordered to erect the public stocks and whipping-post and to procure iron and timber for the same. This action would seem to indicate that there were those in the town who imbibed a spirit other than that of patriotism. These machines for the punishment of evil doers were frequently located near the public houses, for the reason that as it was the common gathering place for the community, the punishment would be more severe on account of its publicity and consequently the more complete.

It was the custom in the early days of this Colony, and, in fact, throughout New England, for the town council to hold its sessions in some one of the many taverns located in the town, and naturally David Arnold's tavern was frequently resorted to for this purpose.

During a good part of the war David Arnold shared with Caleb Arnold, who also kept a public house, the patronage of town meetings. These sessions were held incessantly for the purpose of considering measures incident to the times; so busily engaged were the members of the council that the town meeting promptly voted "that the Town Council be allowed their dinners for the future when convened together to do the town's business and that the same be paid out of the town treasury".

The old tavern witnessed many exciting scenes during all this time. Around its spacious grounds the minute men were ordered to assemble equipped for the stern duties of war; the leading men in this patriotic old town gathered here to discuss the events which were transpiring throughout the Colonies, while outside in the road the Alarm companies marched by to the sound of the fife and drum on their way to take position at the fort at Warwick Neck. But by far the most interesting episode in connection with the tavern was that which occurred on the night of the 9th of July, 1777, the night when the gallant Barton and his crew of brave soldiers, by a bold and audacious stroke, captured the British General Prescott while quietly sleeping at his headquarters at the Overing house, on the Island of Rhode



Island, and bore him away from his own army, right under the guns of the British fleet, across the bay to Warwick Neck, where they all landed. From here the party having in charge General Prescott, Major Barrington and Graham, the sentry, proceeded to David Arnold's tavern, where they arrived late in the night.

On their way to the tavern Prescott, humiliated at the position in which he now found himself, yet fully realizing the bravery and daring of his captor, said to Barton:

"Sir, you have made a bold push to-night", to which Barton is said to have replied:

"Sir, we have been very fortunate."

Upon their arrival at the tavern a messenger was dispatched to General Spencer, at Providence, for a coach to take the party to that town in the morning, and the two distinguished guests were assigned to their rooms and carefully guarded.

In the morning while at breakfast it is said that Mrs. Arnold, the wife of the inn keeper, noticed that Prescott did not appear to relish his meal, and fearing that her cooking did not please him, made some observations to that effect, but the British general assured her that it was no fault of hers; the fact was that he had not much appetite. The hurried way in which the general had been obliged to gather up his clothes upon leaving his headquarters did not permit him to bring along all of the usual articles of his toilet, and Mrs. Arnold, noticing that he had no cravat, took one of her white handkerchiefs and presented it to him.

When the news of the capture of Prescott was received by General Spencer, he dispatched Thomas Sabin with his coach, accompanied by Colonel Robert Elliot, to receive the general and Colonel Barrington, and early in the morning the party set out for Providence.

On that July morning, doubtless, an excited and curious crowd congregated in front of the old tavern, eager to catch a glimpse of those two real British officers who had been so unceremoniously brought across the bay the night before.

#### PELEG ARNOLD'S TAVERN.

At the old Bank village, now Union Village, near Woonsocket, in the days of the Revolution was another tavern around which congregated the patriot spirit of the northern part of the State. It is more generally known as the Peleg Arnold tavern, although it had been a famous house of entertainment long before Peleg Arnold was born. It was in September, 1739, that Lieut. Thomas Arnold, the father of Peleg Arnold, was licensed to keep a public house, and here he lived catering to the weary traveller who chanced to pass along the "Great road" leading by his house on his way to Worcester and other neighboring towns.

But in 1765 Lieutenant Arnold died and his son Peleg came into possession of the house and continued to maintain the reputation which his father had established. Here he lived when the news of the fight at Concord and Lexington was passed from town to village throughout the Colonies, and when the messenger, dusty and excited, rode to his door, telling him that the farmers of Lexington and Concord had been fired on by British troops, the patriotic spirit of Peleg Arnold was aroused to its highest pitch. He entered at once into the cause of the Colonies and his tavern became the center for the work in that section incident to the struggle which had now commenced in earnest. Here



PELEG ARNOLD TAVERN, OLD BANK, NEAR WOONSOCKET.

Erected 1690. The military headquarters of North Smithfield during the American Revolution.

the town meeting was held and its walls echoed the patriotic measures there enacted.

The work of recruiting men for the cause was here commenced and Peleg Arnold was the recruiting officer. A portion of the arms which the town procured for distribution among the North Smithfield soldiery was here deposited, and the ground about the old hostelry reverberated with the tread of martial feet.

He was also for many years chief justice of the Supreme Court of Rhode Island. "Towards the close of his life Judge Peleg was widely known, not only as an extensive dealer in, but an ardent lover of, New



HOME OF JOSEPH WILLIAMS, SON OF ROGER WILLIAMS.

BUILT IN 1680.

FORMERLY LOCATED ON ELMWOOD AVENUE, OPPOSITE ROGER WILLIAMS PARK WAITING STATION.



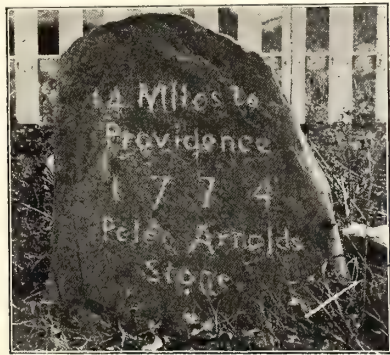
England Rum. He left no descendants. His portrait is among the collection belonging to Brown University.”

Near his house, on the Great Road and opposite the Quaker Church, is an old mile stone, erected by Peleg Arnold.

The house, a two-story white house, with doorway and long hall through the center of it, has been much altered since those times, but its neat and attractive appearance, standing in such a commanding position, gives to it a stately dignity thoroughly in keeping with its honorable record and the patriotic associations surrounding it.

#### THE JOSEPH WILLIAMS HOUSE.

The home of Joseph Williams, the youngest son of Roger Williams, formerly stood on Elmwood Avenue, in Providence, opposite the park which bears the name of his illustrious father, and almost opposite the old family burying ground. Joseph was the most distinguished of any of the children of the founder. He served as deputy, town councilman and assistant. During the war with the Indians known as King Philip's war he served with distinction and his service in this respect is amply testified to by the inscription on his gravestone in the burying ground at Roger Williams Park. For more than two hundred years this old house sustained the wear and tear of storms and sunshine, but in the year 1886 it was demolished to make room for improvements. It is a pity that so interesting a relic so closely identified with the life of Roger Williams should have been destroyed. It would have cost but a small amount of money to have it removed within the borders of the park where it could have been carefully preserved.



MILE STONE, NEAR WOONSOCKET,  
SET UP BY PELEG ARNOLD.

*Roger Williams*



Bibliography of  
Rhode Island History.





## APPENDIX.

### BIBLIOGRAPHY OF RHODE ISLAND HISTORY.

COMPILED BY CLARENCE S. BRIGHAM, A. B., LIBRARIAN OF THE RHODE ISLAND  
HISTORICAL SOCIETY.

NOTE—In the following bibliography, an attempt has been made to give the titles of all books, pamphlets, magazine articles, etc., that especially relate to Rhode Island history. To a certain extent, important newspaper articles have also been referred to. Occasionally titles are entered twice, but for the most part the items are entered in the place where they seem, according to subject, most properly to belong. It should be remembered that the more comprehensive works on general or town history often include reference to the minor subject divisions. A person seeking for the history of manufactures, of commerce, or of education, would find much that relates to his subject in the different town histories. Such references, however, are far too numerous to be noted. The abbreviations used for magazines are chiefly explained in the division called HISTORY PERIODICALS. Other abbreviations are self-explanatory.

### SCHEME OF ARRANGEMENT.

- |                                   |   |
|-----------------------------------|---|
| 1. Bibliography.                  | 15. Commercial and Naval History.         |
| 2. History, Periodicals.          | 16. Constitutional and Political History. |
| 3. General History.               | 17. Ecclesiastical History.               |
| 4. Aboriginal History.            | 18. Educational History.                  |
| 5. History, 1636-1663.            | 19. Financial History.                    |
| 6. History, 1663-1700.            | 20. Judicial History.                     |
| 7. History, 1700-1770.            | 21. Manufacturing and Business History.   |
| 8. History, Revolution.           | 22. Social History.                       |
| 9. History, Federal Constitution. | 23. Town History.                         |
| 10. History, 1790-1840.           | 24. Biography—Collective.                 |
| 11. History, Dorr War.            | 25. Biography—Individual.                 |
| 12. History, Civil War.           |   |
| 13. History, 1870-1901.           |   |
| 14. Boundaries.                   |   |

### 1. BIBLIOGRAPHY.

- Bartlett, J. R. Bibliography of R. I., 1864. 287p.  
Bongartz, J. H. Check list of R. I. laws, 1893. 8p. (See also Bk. Notes, 11:121-123.)  
Bowker, R. R. State publications, pt. I, N. E. States, 1899. 10p. (P. 60-69 contain a list of all officially printed publications of R. I.)  
Griffin, A. P. C. Bibliography of Historical Societies of the U. S. (In Am. Hist. Assoc. Reports, 1892. R. I. Societies, p. 576-589. Reprinted, with additions, in Reports, 1895, p. 675-1158.)

- Hammett, C. E. Contributions to the bibliography and literature of Newport, 1887. 185p.  
 R. I. H. S. Proc. 1891-92. (P. 77-92 contain account of mss. in Hist. Soc. Also printed separately, 1892.)  
 Winsor, J. Narr. and crit. hist. of America. (V. 8, p. 440-442 contains an account of R. I. mss. archives, with particular reference to the Revolution.)

## 2. HISTORY—PERIODICALS.

- Am. Hist. Assoc., Papers, 1886-1891. 5v.  
 Am. Hist. Assoc. Reports, 1890-1900. 12v.  
 Am. Hist. Review, 1896-1901. 6v.  
 Book Notes (Rider's), 1884-1901. 18v.  
 Brown Univ. Hist. Seminary Papers, 1894-1899. 10 nos.  
 Historical Magazine (Dawson's), 1857-1875. 23v.  
 Magazine of Am. History, 1877-1893. 30v.  
 Magazine of N. E. History (Tilley's), 1891-1893. 3v.  
 Narragansett Hist. Register, 1882-1891. 9v. (V. 9 has only parts 1-2.)  
 N. E. Hist. and Geneal. Register, 1847-1901. 55v.  
 N. E. Magazine, 1884-1901. 30v. (V. 1-6, series 1. v. 1-24, series 2. Begun as Bay State Monthly.)  
 Newport Hist. Magazine (continued as R. I. Hist. Magazine), 1880-87. 7v.  
 R. I. Hist. Soc. Collections, 1827-1897. 9v.  
 R. I. Hist. Soc. Proceedings, 1872-1892. 21 nos.  
 R. I. Hist. Soc. Publications, new series (called the Quarterly), 1892-1901. 8v.  
 R. I. Hist. Tracts (Rider's), series 1, 1877-1895. 20v. (V. 20, index.) Series 2, 1889-1896. 5v.

## 3. GENERAL HISTORY.

- Andrews, E. B. Rhode Island, 1892. (In N. E. Mag. n. s. 7:63-85.)  
 Arnold, S. G. History of R. I., 1636-1790, 1859. 2v. (Criticised in Chr. Exam. 66:274-285; and in Chr. Rev. 24:213-238.)  
 Arnold, S. G. The spirit of R. I. history, 1853. 32p.  
 Austin, J. O. The journal of William Jefferay, 1591-1675, 1899. 189p. (Hist. facts concerning R. I. put in the form of a fictitious diary.)  
 Bartlett, J. R. ed. The records of the colony of R. I. 1636-1792. 10v. 1856-1865.  
 Bayles, R. M. History of Newport County, 1888. 1060p.  
 Bayles, R. M. History of Providence County, 1891. 2v.  
 Bull, H. Memoirs of R. I. (In R. I. Republican, Jan. 1832-Dec. 1839; also in Newport Mercury, Jan. 7, 1854-Nov. 23, 1861. Partially reprinted in R. I. Hist. Mag. v. 6-7.)  
 Callender, J. Hist. discourse on the civil and religious affairs of the colony of R. I., 1739. 120p. (Reprinted 1838; and as v. 4 of R. I. H. S. Coll. Also in the Newport Directory, 1856-57, p. 37-121.)  
 Carpenter, E. B. The Huguenot influence in R. I. (In R. I. H. S. Proc., 1885-86, p. 46-74.)  
 Carpenter, G. M. Modern hist. aims and methods. (In R. I. H. S. Proc., 1891-92, p. 58-76. Continual reference to R. I. history.)  
 Clarke, P. O. R. I. and Prov. Plantations; a short hist. sketch and statistical compilation, 1885. 56p.  
 Cole, J. R. History of Washington and Kent Counties, 1889. 1344p.  
 Drake, S. A. Book of N. E. legends, 1884. 457p. (P. 393-414 relate to R. I. legends.)  
 Field, E. ed. State of Rhode Island and Providence Plantations at the end of the century, 1902. 3v.  
 Foster, W. E. ed. Early attempts at R. I. history, comprising those of S. Hopkins and T. Foster, 1885. (In R. I. H. S. Coll. v. 7. Hopkins's narrative is in the Prov. Gazette for 1765, and also in 2 M. H. S. Coll., v. 9.)



- Foster, W. E. Town government in R. I., 1886. 36p. (In Johns Hopkins Studies, v. 4, pt. 2.)
- Gammell, W. [Influence of physiography upon R. I. history,] 1886. (In R. I. H. S. Proc. 1885-86, p. 19-27.)
- Greene, G. W. Short history of R. I., 1877. 356p. (See also Rider's "Is it R. I. history or is it fiction?" 1877.)
- Greene, W. A. Prov. plantations for 250 years, 1886. 468p. (Contains hist., stat., and biog. accounts of all the towns.)
- Hazeltine, H. D. Appeals from colonial courts to the king in council, with especial reference to R. I., 1896. 51p. (B. U. Hist. Sem. Papers, no. 7; reprinted from Am. Hist. Assoc. reports, 1894, p. 299-350.)
- Hoag, Wade and Co., ed. History of the state of R. I., 1878. 370p.
- Isham, N. M. and A. F. Brown. Early R. I. houses, 1895. 100p.
- Kimball, G. Pictures of R. I. in the past, 1900. 176p. (Reprints the contemporary accounts of travellers who have visited R. I. In addition to these extracts, see Paul Coffin's Journal in Me. Hist. Soc. Coll. 4:267; Tour of Robert Gilmore in Boston Pub. Lib. Bull. no. 88, p. 80; and Morgan Rhys's diary in J. T. Griffith's Life of Rhys.)
- Kohl, J. G. How R. I. was named, 1883. (In Mag. Am. Hist. 9:81-93. See also Bk. Notes, 7:29-33, 37.)
- McGarry, W. R. Glimpses of old R. I. (In Nat. Mag., N. Y., 16:188.)
- Mass. Hist. Soc. Letters, commissions, and acts concerning R. I., 1634-1704. (In 1 M. H. S. Coll. 5:216-252. Most of them are in R. I. Col. Rec.)
- Mass. Hist. Soc. R. I. state papers of early affairs. (In 2 M. H. S. Coll. 7:75-113. Also in R. I. Col. Rec.)
- Morse, J. Amer. geography, 1792. 2v. (There is an account of R. I. in 1:200-212. Reviewed by J. Freeman, "Remarks on Amer. Univ. Geog.," 40p., and in R. I. Lit. Repos. 1:92.)
- Munro, W. H. Picturesque R. I., 1881. 304p.
- Parsons, C. W. Notice of history of the population in R. I. 8p.
- Parsons, C. W. Town names in R. I. (In R. I. H. S. Proc. 1886-87, p. 42-51. For Indian names, see ABORIGINAL HISTORY.)
- Pease, J. C., and J. M. Niles. A gazetteer of the states of Conn. and R. I., 1819. 389p.
- Perry, A. ed. Census of R. I. for 1885, 1887. (p. 1-85 contain an excellent hist. and stat. account of all the towns of the state.)
- Perry, A. ed. The town records of R. I. (In R. I. H. S. Publ. n. s., 1:100-182. A report as to their nature and extent.)
- Peterson, E. History of R. I. and Newport, 1853. 370p.
- Potter, E. R. Scenes and events in R. I. history, 1851. 27p.
- Rider, S. S. R. I. in Bryce's "Am. Commonwealth." (In Nation, 48:204. Bk. Notes, 12:24-27.)
- Rider, S. S. ed. Suppl. to the R. I. Col. Rec., comprising a list of the freemen admitted from 1747-1754, 1875. 48p.
- Ross, A. A. A discourse embracing the civil and religious history of R. I., 1838. 161p.
- Taylor, W. H. Legislative history and souvenir of R. I., 1900. 224p.
- Vinton, F. An oration on the annals of R. I., 1864. 80p.
- Williams, T. A sermon on the conclusion of the second century from the settlement of R. I., 1837. 32p.
- Winterbotham, W. View of the U. S., 1795. 4v. (There is an account of R. I. in 2:224-254.)

The official connection between R. I. and the U. S. govt. can be traced in Poore's "Index to govt. publications, 1774-1881," and in later indexes.

Much of our later history must be sought in newspapers. The R. I. H. S. has full sets of the Prov. Gazette, 1762-1825 (continued to date as the Prov. Journal) and of the U. S. Chronicle, 1784-1804. (There are sketches of these papers in the R. I. H. S. Publ. n. s., 5:196-203; 6:87-94.) The only respectable sets of the Newport Mercury are in Newport, in the Redwood Library and New-

port Hist. Soc. This paper runs from 1758-date. The Penn. Hist. Soc. has the only copies in existence, it is said, of certain Mercuries of the revolutionary period. The R. I. H. S. has several vols. of historical newspaper clippings, 1855-date.

#### 4. ABORIGINAL HISTORY.

NOTE—Although the following items have reference to Indian history beyond the period of settlement by the whites, yet for convenience they are grouped in this place. See also HISTORY, 1663-1700, for the period of King Philip's War, under "Indians" in Bartlett's "Bibliog. of R. I.," p. 160-162, and Pilling's "Bibliog. of the Algonquin Languages." In the State House is a volume of papers relating to Narragansett Indians, 1755-1842.

- Allen, Z. Conditions of life, habits and customs of the native Indians of N. A. (In R. I. H. S. Proc. 1879-80, p. 97-151.)
- Allen, Z. Defense of the R. I. system of treatment of the Indians, 1876. 34p.
- Arnold, J. N. A statement of the case of the Narragansett tribe of Indians, 1896. 70p.
- Arnold, J. N. Mound-builders in Narragansett. (In N. H. R., 6:205-222.)
- Arnold, J. N. Pre-historic R. I. (In N. H. R., 6:97-100.)
- Arnold, J. N. The stone-worshippers. (In N. H. R., 6:317-330.)
- Denison, F. et al. Rep't on Indian steatite pottery, 1880. (In R. I. H. S. Proc. 1879-80, p. 36-39. Also printed separately.)
- Dorr, H. C. The Narragansett Indians, 1885. (In R. I. H. S. Coll. 7:135-237.)
- Durfee, J. History of the subjection and extermination of the Narragansetts. (In his Works, 1849, p. 203-248.)
- Fales, E. Hist. of Northmen's visits to R. I. and Mass. in the 10th century, 1888. 14p.
- Farnum, A. The visits of the Northmen to R. I., 1877. (R. I. Hist. Tract, v. 2. 41p.)
- Lewis, N. B. Last of the Narragansetts, 1898. (In Worcester Soc. of Antiq. Proc. 16:27-51.)
- Mason, G. C. The old stone mill at Newport, 1879. (In Mag. Am. Hist. 3:541-549. The best summary against the Norse origin of the old stone mill. Reference to the abundant literature on this subject can be found in the Bibliog. of Norse exploration in the Lib'y Jour. 6:227.)
- Miller, W. J. Notes concerning the Wampanoag tribe of Indians, 1880. 148p. (2 ed. 1885. 148p., with title "King Philip and the Wampanoags of R. I.")
- Narragansett tribe of Indians. Report of the committee of investigation, 1880. 90p. (This report, together with the four reports of the Commission, 1881-84, F. M. Morrison's Argument in Narragansett lands' case, 1898, and Judge Rogers' Opinion of the Supreme Court, 1898, comprise the pamphlets on the final phase of the Narragansett controversy.)
- Parsons, U. Indian names of places in R. I., 1861. 32p.
- Parsons, U. Indian relics of R. I., with notices of the Nyantic Indians, 1863. (In Dawson Hist. Mag. 7:41-44.)
- Pierce, E. W. Indian history, biography and genealogy, 1878. 261p.
- Rider, S. S. The murder of Miantonomi, 1892. (In Bk. Notes, 9:74-77, 85-88.)
- Rider, S. S. Wawaloam, Queen of the Narragansetts, 1896. (In Bk. Notes, 13:85-88.)
- Tooker, W. W. Indian geographic names in R. I. (In R. I. H. S. Publ. n. s. 5:203-215.)
- Trumbull, J. H. Indian names of places in and on the border of Connecticut, 1881. 93p.
- Wheeler, R. A. The Pequot Indians, [1877]. 23p.
- Williams, Roger. Key into the language of America, 1643. 216p. (Reprinted in 1 Mass. Hist. Soc. Coll., v. 3, 5; R. I. H. S. Coll. v. 1; and Narr. Club. Publ. v. 1.)

## 5. HISTORY, 1636-1663.

- Allen, Z. A half-century memorial, 1873. (p. 3-11 contain an account of Roger Williams's banishment, etc.)
- Allen, Z. Remarks on R. I.'s treatment by Mass. (In R. I. H. S. Proc., 1881-82, p. 17-32.)
- Aspinwall, T. Remarks on the Narragansett patent, 1863. 41p. Also 2 ed.
- Foster, W. E. The R. I. charter of 1663. (Partially printed in Prov. Jour. Nov. 14, 1888. Mr. Foster has the ms.)
- Howland, J. A. The date of passing the sentence of banishment on Roger Williams. (In R. I. H. S. Proc., 1886-87, p. 52-59.)
- Huling, R. G. Rhode Islanders at Manhattan in the 17th century. (In N. H. R., 8:241-273.)
- King, H. M. A summer visit of three Rhode Islanders to Mass. Bay in 1651, 1896. 115p.
- Mason, J. History of the Pequot war. (In N. H. R., 8:121-155.)
- Quincy, J. The memory of the late James Grahame vindicated from the charges of George Bancroft, 1846. 59p. (Relates chiefly to John Clarke and the planting of R. I.)
- Rogers, H. The importance of the charter of 1643-44. (In Prov. Co. Court-house report, 1885, p. 59-73.)
- Staples, W. R. The proceedings of the first general assembly, 1647, 1847. 63p.
- Stiness, J. H. The return of Roger Williams with the charter in 1644. (In Prov. Co. Court-house report, 1885. p. 13-58.)

See Providence, Portsmouth, Newport and Warwick under TOWN HISTORY, and also under BIOGRAPHY—INDIVIDUAL.

## 6. HISTORY, 1663-1700.

- Abbott, J. S. C. History of King Philip, 1875. 410p.
- Bodge, G. M. The Narragansett Fort fight, 1886. 21p.
- Brigham, C. S. British state papers relating to R. I., 1678-87. (In R. I. H. S. Publ., n. s. 7:195-199; 8:96-104.)
- Easton, J. Narrative of the causes which led to Philip's Indian War, ed. by F. B. Hough. 1858. 207p. (In Munsell's Hist. Ser. no. 2.)
- Greene, W. A. Who saved the Prov. records? (In N. H. R., 6:391-396.)
- Indian slaves of the King Philip war. (In R. I. H. S. Publ. n. s. 1:234-238.)
- Miller, W. J. King Philip and the Wampanoags of R. I., 1885. 148p.
- Munro, W. H. ed. Plea of the Petuxet purchasers, 1677; with notes on W. Harris. (In R. I. H. S. Publ. n. s. 1:185-229. See also Bk. Notes, 10:277; 14:13.)
- Philip of Pokanoket, 1814. (In R. I. Lit. Repository, 1:225-239. See also Analectic Mag. 3:502; Amer. Mo. Mag. 12:156.)
- R. I. H. S. Proc. 1874-1875, p. 60-69; and for 1876-77, p. 54-70, contain notes on the King Philip war. (The addresses made by Arnold, Dexter and Diman before the Society at Mount Hope on June 21, 1875, are in Prov. Journal, June 21, 1875. See also Journal, Jan. 15, 1876.)
- Rider, S. S. Pomham, a retrospect, 1889. (In Bk. Notes, 6:93-97. Relates chiefly to King Philip's war. Also separately printed.)
- Slade, W. A. The King Philip country, 1898. (In N. E. Mag. n. s. 18:605-629.)
- Stone, E. M. The burning of Prov. (In Prov. Jour. April 10, 1876.)
- Tompkins, H. B. King Philip and his contemporaries. (In Newport Mercury, Aug. 18, 1900.)
- Wheeler, R. A. The petition of Weounkkass. (In N. H. R., 7:35-39.)

The various early tracts and histories of King Philip's war are listed in Winsor, "Narr. and Crit. Hist. of Amer." 3:360-361.



## 7. HISTORY, 1700-1770.

- Comer, J. *Diary* (1704-32). (Printed as v. 8 of R. I. H. S. Coll. Also printed in *Newport Mercury*, Dec. 16, 1854-Jan. 6, 1855.)
- Douglass, W. *Summary of the British settlements in N. A.*, 1755. 2v. (V. 2, p. 76-157 contains an excellent account of R. I.)
- Gardiner, A. B. *The Havana expedition of 1762 in the war with Spain.* (In R. I. H. S. Publ. n. s., 6:167-189. See p. 192-194, 219-224, for R. I. soldiers in this expedition.)
- Huling, R. G. *The Hopkins-Ward letters.* (In N. H. R., 3:257; 4:40, 143. See also Foster's *Life of Hopkins.*)
- Huling, R. G. *The R. I. emigration to Nova Scotia, 1760.* (In N. H. R., 7:89-136. Also separately printed.)
- Selections from the Sheriff Brown papers.* (In N. H. R., 1:215; 2:109, 193, 310.)

In the Sec. of State's office is a volume of "Papers relating to the old French War, 1755-1761, also Admiralty Papers, 1726-1750," and much other documentary material of the period. (See Bartlett's "Bibliog. of R. I.," p. 245-248.)

## 8. HISTORY—REVOLUTION.

- Allen, Z. *Lafayette's visit to Prov. in 1824, 1861.* 19p. (Recollections of Lafayette in 1778. See also *Hist. Mag.*, 5:247-248.)
- Almy, M. G. *Mary Almy's Journal, 1778, 1880.* (In *Newp. Hist. Mag.* 1:17-36.)
- Amory, T. C. *The siege of Newport, August, 1778, 1884.* (In R. I. *Hist. Mag.* 5:106, 244, 271.)
- Arnold, J. O. *Revolutionary heroes.* (In N. H. R., 9:145-152.)
- Arnold, J. N. *Rebel treatment of Tories during the Revolution.* (In N. H. R., 3:52, 132, 202, 263; 4:77.)
- Arnold, J. N. *A relic of revolutionary times.* (In N. H. R., 1:303-304.)
- Arnold, J. N. *The revolutionary movement in R. I.* (In N. H. R., 4:81-99.)
- Arnold, S. G. et al. *The centennial celebration of the battle of R. I., 1878.* (R. I. *Hist. Tract*, v. 6. 118p. Arnold's address also printed separately, 1878. 27p.)
- Baker, V. *Warren in the Revolution, 1901.* 68p. (See also *Bk. Notes* 18:129.)
- Bartlett, J. R. *History of the destruction of the Gaspee, 1861.* 140p. (Reprinted in the R. I. *Col. Rec.*, v. 7. Other Gaspee letters are in R. I. H. S. *Proc.*, 1890-91, p. 80-92; and in *Publ. n. s.*, 7:233-244.)
- Bowen, E. *Letters to Gen. Greene, 1778-79, 1900.* (In *Calendar of Greene Papers, Am. Philos. Soc. Proc.*, 39:163-165. Also in "Calendar of correspondence relating to Rev. in library of Am. Philos. Soc." 1900, p. 62-64.)
- Brigham, C. S. ed. *Letters of Lord Robert Manners, 1780.* (In R. I. H. S. *Publ. n. s.*, 7:199-202.)
- Cowell, B. *The spirit of '76 in R. I., 1850.* 351p. (There is an index to this volume in Arnold's *Vital Record of R. I.* vol. 12.)
- Cullum, G. W. *Defenses of Narragansett Bay, 1884.* (In *Mag. Am. Hist.* 11:465-496. Also printed separately with maps, 1884. 32p.)
- Depew, C. M. *Oration at anniversary of Battle of R. I.* (In *Newport Mercury*, Sept. 4, 1897.)
- De Peyster, J. W. *Operations in R. I., 1878.* 29p. (A translation of part of Max von Eelking's "Die Deutschen Huelfstruppen im N. A.")
- Diman, J. L. *The capture of Gen. Prescott by Barton, 1877.* (R. I. *Hist. Tract*, v. 1. 63p.)
- Ellery, W. *Letter to Judge Potter, June 20, 1775.* (In *Newport Mercury*, Jan. 26, 1856.)
- Field, E. *Diary of Col. Israel Angell, 1899.* 149p.
- Field, E. *Revolutionary defenses in R. I., 1896.* 161p. (See also *Bk. Notes*, 16:73.)
- Foster, W. E. *Address before R. I. Soc. of the Sons of the Am. Rev., 1892.* 16p.

- Gardiner, A. B. The R. I. line in the Continental army, 1878. 12p.
- Greene, W. Letters in relation to condition of R. I. in the Revolution, 1886. (In R. I. Hist. Mag. 6:265-270.)
- Hazard's, T. R., Journal, 1778-1781. Reprinted from ms. in Redwood Library, Newport. (In N. H. R., 1:28, 91, 167, 277.)
- Howland, J. Letter from, relative to the regiment commanded by Col. Lippitt in 1776-77, 1831. 11p.
- Howland, J. Notices of military services rendered by the militia during the revolutionary war, 1832. 11p. (Also in Prov. Directory for 1832, p. 13-23.)
- Hunter, W. Oration, 4th of July, 1826, 1826. 46p. (Relates to Revolution.)
- Jameson, J. F. ed. Papers of William Vernon and the Navy Board, 1776-1794. (In R. I. H. S. Publ. n. s., 8:197-277.)
- Lippitt, C. W. R. I.'s early efforts in the Revolution, 1896. 19p.
- Little, P. F. Incidents in Little Compton and Tiverton during the Revolution and the War of 1812, 1880. 32p.
- Littlefield, G. H. The Battle of R. I. (In Newport Mercury, Sept. 25, 1897.)
- Lossing, B. J. Pictorial field-book of the Revolution, 1852, 2v. (V. 2 ch. 3-4 relate to R. I. In the 1860 ed. the reference is v. 1, ch. 27-28.)
- Mason, G. C. The British fleet in R. I., 1885. (In R. I. H. S. Coll. 7:299-325.)
- Military papers of the Revolution in Washington. (In R. I. H. S. Publ. n. s., 2:180-188, 215-231.)
- Newport in the hands of the British, a diary of the Revolution, 1860. (In Hist. Mag., v. 4:1, 34, 69, 105, 133, 172.)
- North, F. P. Newport in 1780. (In Lippincott Mag., 26:351.)
- Notes on R. I. in the Revolution. (In R. I. H. S. Proc. 1877-78, 83-101.)
- Orders of the Council of War, 1778. (In R. I. H. S. Proc. 1878-79, p. 63-76.)
- Paul, E. J. The part borne by Sergeant Paul in the capture of Prescott, 1887. 22p. (See also Bk. Notes, 5:13.)
- Pearce, D. J. Report [on claim of the R. I. brigade for the recovery of their pay], 1836. (In Reports of Committees, U. S. Ho. of Reps., 24th Cong., 1st Sess., rept. no. 337, 42p.)
- The plough and the sickle; or R. I. in the Revolution, 1846. 28p. (Attributed to T. Burges, and relates to the old state debt.)
- Revolutionary correspondence, 1775-1782. (In R. I. H. S. Coll., 1867, v. 6. 105-304.)
- Revolutionary correspondence, 1776. 1885. (In R. I. Hist. Mag. 6:148-153.)
- Rider, S. S. An historical inquiry concerning the attempt to raise a regiment of slaves by R. I. during the Revolution, 1880. (R. I. Hist. Tract, v. 10, 86p. See also Bk. Notes, 5:21, 62.)
- Rider, S. S. ed. The diary of Thomas Vernon, loyalist, 1881. (R. I. Hist. Tract, v. 13, 149p.)
- Rosengarten, J. G. The German soldiers in Newport, 1770-1779. 1886. (In R. I. Hist. Mag. 7:81-118.)
- Staples, W. R. Documentary history of the destruction of the Gaspee, 1845. 56p.
- Staples, W. R. R. I. in the Continental Congress, 1870. 725p.
- Statement of the claim of the R. I. Brigade for the recovery of their pay, 1806. 11p. Also another edition, 13p.
- Stevens, J. A. Address before Sons of Revolution. (In Newport Mercury, Feb. 27, 1897.)
- Stevens, J. A. The French in R. I., 1879. (In Mag. Am. Hist. 3:385-436; see also p. 511, 692.)
- Stone, E. M. Our French allies; R. I. in the Revolution, 1884. 632p.
- Stone, E. M. R. I. Revolutionary correspondence, 1870. (In Hist. Mag. 18:43-49; prints 9 revolutionary letters.)
- Thurston, C. R. Newport in the Revolution, 1894. (In N. E. Mag. n. s., 11:3-19.)
- Trevett, J. Journal, 1774-1782, 1886. (In R. I. Hist. Mag., v. 6-7.)
- Vernon, T. Reminiscences of an American loyalist, 1880. 51p.
- Winsor, J. Narrative and critical history of America, 1887. (R. I. campaign of 1778 is treated in 6:592-603, and there is an account of R. I. mss. archives of the Revolution in 8:440.)

Winsor, J. Reader's handbook of the Revolution, 1880. (P. 193-197, have a bibliog. of the R. I. campaign of 1778.)

In the Sec. of State's office are "Military Returns of the Revolution," "Petitions with Letters of Marque, 1776-1780," "Jour. of the Council of War, 1776-1781," and other mss. (See Bartlett's Bibliog. of R. I., p. 245-248.)

The R. I. Hist. Soc. has many rolls, letters, hospital papers, etc., of the Rev. period; also some orderly books (described in the Proc. 1891-92, p. 39.)

The thousands of revolutionary rolls, in the State House, the R. I. Hist. Soc., and elsewhere, are at present being copied under the supervision of R. H. Tilley, State Record Commissioner, with a view to publication.

The Dept. of State, Wash., D. C., has "R. I. State Papers, 1775-88," 1 v. (mostly official letters); also "Acts of R. I., Conn., etc. 1775-86," 1 v.

Harvard Library has, in the Sparks mss., no. 43 (v. 3), copies of official letters of R. I. to the home govt. 1763-76; also, no. 59, copies from Rev. letters in R. I. public offices, 1774-82.

The N. Y. Pub. Liby. has among its "Amer. Loyalist Papers," copies of R. I. claims taken from English records. See its Liby. Bull. for Dec. 1900.

Mr. S. S. Rider has several Rev. letters, pension papers, etc.

## 9. HISTORY—FEDERAL CONSTITUTION.

Abstracts from the records of Newport relative to the adoption of the constitution. 1883. (In Newp. Hist. Mag. 4:92-99.)

Bates, F. G. R. I. and the formation of the Union, 1898. 220p. (Columb. Univ. Stud. 10, no. 2.)

Bates, F. G. R. I. and the impost of 1781, 1894. (In Amer. Hist. Assoc. reports, p. 351-359. Also reprinted separately.)

Harney, G. L. How R. I. received the Constitution, 1890. (In N. E. Mag. n. s., 2:272-276.)

[R. I. and the Constitutional convention of 1787.] (In R. I. H. S. Publ. n. s., 2:167-171.)

Rider, S. S. How the U. S. Senate forced R. I. to ratify the U. S. constitution, 1894. (In Bk. Notes, 11:73-75, 85-86.)

Rogers, H. Discourse on R. I.'s adoption of the federal constitution, 1890. 44p.

## 10. HISTORY, 1790-1840.

Allen, S. H. The Federal ascendancy in 1812. (In N. H. R., 7:381-394.)

Brown, M. The great gale of 1815. (In R. I. H. S. Pub. n. s., 2:232-235. See also the account in the Prov. Journal Sep. 23, 1863.)

Drowne, H. T. The R. I. pig and the war of 1812. (In Hist. Mag. 1871, v. 19, p. 43. See also Bk. Notes, 5:133.)

Eaton, A. M. The French spoliation claims. (In N. H. R., 4:202-234.)

H[olbrook], A. The privateer Providence, 1812-15, 1893. 62p.

Hunt, G. Office-seeking during Washington's administration, 1896. (In Am. Hist. Rev., 1:270-283. Good account of R. I. appointments.)

Jameson, J. F. ed. The adjustment of R. I. into the Union in 1790. (In R. I. H. S. Publ. n. s., 8:104-135.)

Lardner, E. H. The great gale of 1815. (In R. I. H. S. Publ. n. s., 2:202-205.)

Little, P. F. Incidents in Little Compton and Tiverton during the Revolution and the War of 1812, 1880. 32p.

Maclay, E. S. Hist. of Amer. privateers, 1899. 519p. (Acct. of R. I. privateering in 1812, p. 265-278.)

Memorial from the R. I. regiment of drafted militia, war of 1812. 8p.



- Rider, S. S. Case of the British ship Nautilus at Newport, 1794, 1883. (In Bk. Notes, v. 1, no. 7. See also article in Prov. Jour., Jan. 1, 1862.)
- Snow, W. C. The War of 1812. (In R. I. H. S. Publ. n. s., 5:143-186.)

The R. I. Hist. Soc. has a ms. volume of letters, orders, etc., on the War of 1812. There is much documentary material of the war in the possession of the state, and also a volume relating to the subject in the Prov. City Archives.

The numerous pamphlets relating to the anti-masonic troubles of 1831-35 are given in Bartlett's "Bibliog.," p. 16-19. See also Rugg's "History of free-masonry in R. I.," 1895. The state has a volume of mss. labelled "Masonry and Anti-Masonry, 1833-34."

## 11. HISTORY—DORR WAR.

- Adams, J. Q. The social compact exemplified, 1842. 32p.
- Address adopted by the Democratic Convention, Dec. 20, 1842. 16p.
- Address of the Democratic members of the legislature of Massachusetts to their constituents, 1843.
- Address to the citizens of R. I. who are denied the right of suffrage, 1840. 8p. (Period of Soc. Reform Soc'y no. 3.)
- Address to the people of R. I., 1834. 60p. (See Bartlett's Bibliog. of R. I. p. 82.)
- Address to the people of the U. S., 1844. 15p.
- Affairs of R. I., The, 1842. 30p. (Attributed to J. A. Bolles.)
- Anthony, H. B. The Dorriad and the great Slocum dinner, 1870. 53p.
- Anthony, H. B. The Dorr War in R. I. (In N. Y. Ledger, October, 1878.)
- Arguments of Whipple and Webster in case of Luther vs. Borden, 1848. 56p.
- Aristides, pseud. Political frauds exposed, 1838. 24p.
- Articles of a constitution adopted by the People's Convention, 1841. 16p.
- Balch, W. S. Popular liberty and equal rights, 1841. 23p.
- Balch, W. S. The struggle for a repub. constitution in R. I. (Begun in Prov. Jour. Mar. 16, 1885.)
- Brownson, O. A. The suffrage party in R. I., 1844. (In Brownson Quar. Rev., 1:532-544. Also in his Works, 15:508.)
- Burke, E. Interference of the executive in the affairs of R. I., report June 7, 1844. 1070p. 2 ed. 1075p. (Ho. of Rep. 28th Cong., 1st Sess. Doc. no. 546.)
- Calhoun, J. C. Letter to W. Smith on the R. I. controversy. (In his Works, 1888 6:209-239.)
- Carroll, C. Oration on Dorr War, 1895. (In So. R. I. Press Club Gazette, v. 1, no. 4.)
- Case of T. W. Dorr explained. 11p. (By G. W. Turner.)
- Causin, J. M. S. R. I. memorial; minority report, June 17, 1844. 172p. (Ho. of Rep. 28th Cong., 1st Sess. Doc. no. 581.)
- Charters and acts of R. I. to be used in case of Luther vs. Borden, 1845. 46p.
- Charters and legislative documents illustrative of R. I. history, 1844. 68p.
- Close of the late rebellion in R. I., 1842. 16p. 2 ed., 1842. 16p. (By C. C. Jewett.)
- Collyer, R. H. Lights and shadows of Amer. Life, [1844]. 40p.
- Congdon, C. T. Reminiscences of a journalist, 1880. 393p. (p. 103-115 relate to "The Great Dorr War.")
- Conspiracy to defeat the liberation of Gov. Dorr, 1845. 47p.
- Constitution of the state of R. I. as adopted by the convention, June 21, 1824, 1824. 18p.
- Constitution. Articles of a constitution adopted by the People's convention, 1841. 16p.
- Constitution. Draft of a constitution as revised by a committee appointed Nov. 1841, 1841. 24p.
- Constitution as finally adopted by the convention 18th of Nov. 1841, 1842. 22p.
- Constitution. Proposed constitution as finally adopted by the People's convention, 18th of Nov., 1841. 16p. folio 8p.

- Constitution as adopted by the convention, Nov., 1841, 1842. 27p.
- Constitution. People's constitution. Constitution as finally adopted Dec., 1841. 16p.
- Constitution. Proposed constitution of R. I., 1842. 32p.
- Constitution as adopted by the convention assembled Sept., 1842, 1842. 24p.
- Constitution adopted Nov., 1842, 1842. 24p.
- Cooke, P. An essay on the Gospel's relation to the civil law. 2 ed. 1843. 22p.
- Crane, S. A. Proceedings of the citizens of E. Greenwich, July 1, 1842, with an address, 1842. 12p.
- Davis, J. Message to the legislature of Mass., relative to arms loaned to R. I. (Mass. Sen. Doc. no. 76, 1842. 13p.)
- Daw's doings, 1842. 68p. (By Samuel Kettell.)
- Declaration, L. Wakefield vs. Knowles, Vose and Anthony, 1843. 12p.
- Democratic catechism, 1846. 20p.
- Documents relating to the affairs of R. I. 8p.
- Dorr, T. W. ed. The right of the people of R. I. to form a constitution; the nine lawyers' opinion, 1880. (In R. I. Hist. Tract 11:65-92.)
- Dorr Liberation Society, Constitution, 1844. 8p.
- Dorr Rebellion, The. (In Dem. Rev. 10:602; 11:70, 201; 15:122; 22:193.)
- The Dorriad, of the hero of the two flights, 1842. 12p.
- Dorriana, Prospectus of a new work, 1842. 4p.
- Draft of a constitution of R. I. as revised by a committee appointed Nov., 1841. 1841. 24p.
- Duff, H. J. et al. Petition for an alteration of the Constitution, 1846. 4p.
- Durfee, J. Charge delivered to the grand jury at Bristol, 1842, 1842. 16p.
- Dyer, E. Reminiscences of R. I. in 1842. (In N. H. R. 6:145-192. See also 7:208-215.)
- Evans, E. Essay on state rights, 1844. 40p.
- The eventful day in the R. I. rebellion, 1842. 12p.
- Facts for the people, 1842. 12p. (Attributed to J. Frieze.)
- Facts involved in the R. I. controversy, 1842. 43p.
- The famous old Charter granted in 1663, 1842. 8p.
- Frieze, J. A concise history of the efforts to obtain an extension of suffrage in R. I., 1842. 171p. 2ed. 1842. 179p.
- The garland of gratitude, 1842. 12p.
- Gifford, W. L. The Dorr Rebellion in R. I., 1887. (In New Princeton Rev. 4:213.)
- Goddard, W. G. Address to the people, May 3, 1843, 1843. 80p. (See also So. Quar. Rev. 4:523.)
- Goddard, W. G. Writings, 1870. 2v. (Many speeches, letters, etc. on the controversy.)
- Goodell, W. Lessons of a single day, 1842. 8p.
- Goodell, W. The rights and wrongs of R. I., 1842. 120p.
- Gray, F. C. Oration before the Phi Beta Kappa, Sept. 7, 1842, 1842. 40p.
- Hallett, B. F. The right of the people to establish forms of government, 1848. 71p.
- Hazard, E. H. Reminiscences of the Dorr War. (Begun in Prov. Jour. Jan. 15. 1885.)
- Homo, Benj. pseud. Letter concerning T. W. Dorr, 1844. 4p.
- How the People's Constitution was made for R. I. 4p.
- Jameson, J. A. Constitutional Convention, 1867. 561p. (p. 216-241 relate to the Dorr controversy. See also Bk. Notes, 7:117-119.)
- Journal of the convention, assembled Sept. 12, 1842, 1859. 69p.
- Kennedy, A. Speech delivered in the House, Mar. 13, 1844, 1844. 7p.
- Kenyon, A. The objects and principles of civil government, 1842. 11p.
- Letter to S. W. King, 1842. 25p. 2 ed., 1842. 32p. (By Benj. Cowell.)
- Letter to J. F. Simmons, by a R. I. conservative, 1845. 8p. (By W. G. Goddard.)
- Letters of Cleveland and Hubbard to King, refusing to deliver up Dorr, 1842. 17p.
- Luther vs. Borden [1844]. 149p.

- McClernand, J. A. Speech delivered in the House, Mar. 19, 1844, 1844. 8p.
- McKenzie, J. A. Discourse against life-taking, 1842. 23p.
- Mass. legislature. Report of a committee relative to W. T. Olney, 1843. 10p. (Mass. Ho. of Rep. Doc. no. 93.)
- Mass. Legislature. Report of the committee concerning the loan of arms, 1843. 37p. (Mass. Ho. of Rep. Doc. no. 24.)
- Memorial of the Democratic members of the R. I. legislature, Feb. 19, 1844. (In Ho. of Rep. Doc. no. 136, 28th Cong. 1st Sess. 1844. 4p.)
- Merits of T. W. Dorr and G. Bancroft, 1844. 36p. 2 ed., 1844. 41p. (By G. T. Curtis.)
- Might and Right, by a Rhode Islander, 1844. 324p. 2ed., 1844. 345p. (By Mrs. F. H. Whipple Green.)
- Mowry, A. M. The constitutional controversy in R. I. in 1841, 1894. (From the Ann. report of the Am. Hist. Assoc. p. 361-370. Also reprinted separately, 1896.)
- Mowry, A. M. The Dorr War, or the constitutional struggle in R. I., 1901. 420p.
- Mowry, A. M. Tammany Hall and the Dorr Rebellion, 1898. (In Am. Hist. Rev. 3:292-301. Also printed separately.)
- Newport Journal et al. Newport in 1842. (In N. H. R. 7:201-208.)
- Page, Ann, ed. The Banner of freedom, 1841. 24p.
- Payne, C. H. The great Dorr War, 1890. (In N. E. Mag. n. s. 2:389-402.)
- Peet, E. W. Sermon, July 21, 1842, 1842. 16p.
- People's constitution. Constitution as finally adopted Dec., 1841. 16p.
- Pitman, J. S. Report of the trial of T. W. Dorr, 1844. 131p.
- Potter, E. R. Considerations on the adoption of a constitution, 1842, 64p. 1879. 63p.
- Potter, E. R. Speech on the memorial of the Democratic members of the legislature, 1844. 13p.
- Potter, J. B. M. Oration at Kingston, July 4, 1843, 1843. 24p.
- Proceedings in the R. I. legislature on resolutions of the State of Maine, 1845. 27p.
- Proposed constitution as finally adopted by the People's Convention, 18th of Nov., 1841. 16p. Folio 8p.
- Proposed constitution of R. I., 1842. 32p.
- Protest and declaration of R. I. against interference by the U. S. [1844]. 3p.
- Protest of the legislature of R. I. against the right of the Congress of the U. S. (In Ho. of Rep. Doc. no. 232, 28th Cong. 1st Sess., 1844. 6p.)
- Protest of the minority of the legislature, Apr. 16, 1844. (In Ho. of Rep. Doc. no. 233. 28th Cong. 1st Sess. 1844. 4p.)
- Randall, D. Democracy vindicated, and Dorrism unveiled, 1846. 100p.
- Rathbun, G. Speech delivered in the House, March 9, 1844, 1844. 8p.
- The recent contest in R. I., 1844. (In N. A. Rev. 58:371-435; also printed separately, 1844. 69p. By Francis Bowen.)
- Reply to the letter of Marcus Morton, 1842. 32p. (By John Pitman.)
- Review of the proceedings in the Mass. legislature for 1843, by the Whig majority, 1843. 48p.
- R. I. general assembly. Report of the committee on the action of the assembly, March, 1842. 15p.
- R. I. suffrage association. Preamble and constitution, adopted Mar. 27, 1840. 1840. 11p.
- Rider, S. S. Aaron White and the arrest of Gov. Dorr, 1896. (In Bk. Notes, 13:13-14.)
- Rider, S. S. ed. Ballads of the Dorr War, collected from the papers of the day, 1869. 37p.
- Rider, S. S. Three Dorr War cases in the U. S. courts, 1900. (In Bk. Notes, 17:33-39.)
- Scourge No. 1. An address to the Whigs of R. I., [1845] 8p.
- Sherman, R. The rebellion of 1842. (In Prov. Jour., Jan. 10, 1874.)
- Sherman, S. G. Report on the petition of H. J. Duff, 1847. 16p.
- Siege at Chepachet. 8p.



- Smith, C. B. Speech delivered in the House, Mar. 14, 1844, 1844. 16p.  
Statement submitted by Whipple, Francis and Potter to the Pres. of the U. S., 1842. 8p.
- Stetson, L. Speech delivered in the House, Mar. 20, 1844, 1844. 8p.
- Story, J. Charge to the grand jury June 15, 1842, 1842. 8p.
- Swan, J. C. The Newport Artillery in 1842, 1889. (In N. H. R. 7:25-35. Also printed separately.)
- To the members of the General Assembly of R. I. 24p.
- Treadwell, F. C. Treason defined, 1844. 32p.
- Tucker, M. A discourse preached July 21, 1842, 1842. 16p.
- Turner, G. Case of T. W. Dorr explained. 11p.
- Turner, G. and W. S. Burges. Report of the trial of T. W. Dorr, 1844. 115p.
- Tyler, J. U. S. troops in R. I.; message from the President, April 10, 1844. 179p. (Ho. of Rep. 28th Cong., 1st Sess. Doc. no. 225.)
- Views of the Society of Friends in relation to civil government, 1840. 15p.
- Vinton, F. Loyalty and piety, discourse, July 21, 1842, 1842. 23p.
- The war in R. I., 1843. (In New Englander, 1:85-103.)
- Waterman, H. The late T. W. Dorr, 1854. 8p.
- Wayland, F. The affairs of R. I., 1842. 32p. 2 ed., 32p. 3 ed., 32p.
- Wayland, F. A discourse delivered July 21, 1842, 1842. 31p.
- Webster, D. The R. I. question. Argument in case of Luther vs. Borden, 1848. 20p. Also in his Works, 5:217-242. See also West. Law Jour., 5:481.)
- Whipple, J. Address to the people of R. I., 1843. 16p.
- Whipple, J. and D. Webster. The R. I. question. Arguments in case of Luther vs. Borden, 1848. 56p.
- Williams, H. Speech in vindication of the right of the people of R. I. to amend their government, 1845. 13p.

Mr. S. S. Rider has many volumes of mss., letters, etc., relating to the Dorr controversy. (See Book Notes, 18:97.) The R. I. Hist. Soc. has a large volume of contemporaneous newspaper clippings and also many mss. relating to the period.

## 12. HISTORY—CIVIL WAR.

- Allen, G. H. 46 months with the 4th R. I. volunteers, 1887. 389p.
- Bartlett, J. R. Memoirs of the R. I. officers in the Rebellion, 1867. 452p.
- Burlingame, J. K. History of the 5th Regiment, R. I. heavy artillery, 1892. 382p.
- Chase, P. S. Battery F, 1st regiment R. I. light artillery, 1892. 332p.
- Chenery, W. H. 14th regiment R. I. heavy artillery (colored), 1898. 343p.
- Clarke, C. H. History of Company F, 1st regiment, R. I. volunteers, 1891. 76p.
- Dailey, C. F. Report upon disabled R. I. soldiers, 1863. 24p.
- Denison, F. Sabres and spurs; the 1st regiment R. I. cavalry, 1876. 600p.
- Denison, F. Shot and shell; the 3rd R. I. heavy artillery, 1879. 368p.
- Fenner, E. History of battery H, 1st regiment R. I. light artillery, 1894. 216p.
- Grant, J. W. My first campaign, 12th regiment R. I. volunteers, 1863. 152p.
- Grant, J. W. The flying regiment, 12th regiment R. I. volunteers, 1865. 152p.
- History of the 7th squadron R. I. cavalry, by a member [A. W. Corliss], 1879 11p.
- Lewis, G. History of battery E, 1st regiment R. I. light artillery, 1892. 540p.
- S. B. Pettingill. The college cavaliers, 1883. 94p.
- Reichardt, T. Diary of battery A, 1st regiment R. I. light artillery, 1865. 153p.
- R. I. Adj. Gen. report. Official record of R. I. during the rebellion, 1866. 829p.
- R. I. Adj. Gen. report for 1865. Register of R. I. volunteers, 1861-65, 1893-95. 2v.
- R. I. House finance committee. Report on bounty frauds, 1865. 411p.
- R. I. Soldiers and Sailors Hist. Soc. Personal narratives of the rebellion, 1878-1900. 79 pamphlets. (1st ser. no. 1-10, 2nd ser. no. 1-20, 3rd ser. no. 1-20, 4th ser. no. 1-20, 5th ser. no. 1-10.)
- Rhodes, J. H. History of battery B, 1st regiment R. I. light artillery, 1894. 406p.

- Rider, S. S. R. I. negro soldiers in the Rebellion, 1888. (In Bk. Notes, 5:61.)  
 R. W. Rock (pseud. of J. C. Thompson). History of the 11th regiment R. I. volunteers, 1881. 217p.  
 Rogers, H. Record of the R. I. excursion to Gettysburg, 1887. 63p.  
 Spicer, W. A. History of the 9th and 10th regiments R. I. volunteers, and the 10th R. I. battery in 1862, 1892. 415p.  
 Stone, E. W. R. I. in the Rebellion, 1864. 410p.  
 Sumner, G. C. Battery D, 1st R. I. light artillery, 1897. 192p.  
 Underwood, B. F. The Burnside expedition. (In N. H. R. 9:1-36.)  
 Woodbury, A. Burnside and the 9th army corps, 1867. 554p.  
 Woodbury, A. The memory of the first battle, 1889. 34p.  
 Woodbury, A. Narrative of the campaign of the 1st R. I. regiment in 1861, 1862. 260p.  
 Woodbury, A. The 2nd R. I. regiment, 1875. 633p.

## 13. HISTORY, 1870-1901.

- Dyer, E. ed. R. I. in the war with Spain, 1900. 417p.  
 Governor's annual messages, 1870-date.  
 Miller, A. S. The conspiracy which overthrew constitutional government in R. I. in 1893, 1894. 22p. (See also "Brief" on subject by A. L. Brown.)  
 Rider, S. S. The end of a great political struggle in R. I., 1888. (In Bk. Notes, 5:53-58. Relates to Bourn Amendment of 1888.)  
 Wyman, J. C. R. I. at the World's Fair, 1894. (In N. E. Mag. n. s. 10:427-440.)

## 14. BOUNDARIES.

- Bowen, C. W. The boundary disputes of Conn., 1882. 90p. (p. 31-49 relate to R. I.)

For the many reports of commissions, courts, etc., on the Mass., R. I. boundary line, see Bartlett's "Bibliog.," p. 34-42.

In the Sec. of State's office are several volumes of mss. that especially relate to R. I. boundary disputes.

The R. I. Hist. Society has a ms. volume of boundary line papers (1738-1851); also extracts from Mass. mss. (1641-1831), and extracts from Conn. mss. (1638-1740), both of which contain a great deal relating to boundaries.

The J. C. Brown Library has a volume of mss. called "R. I. eastern boundary, 1741; proceedings of the commissioners for settling the boundary between R. I. and Mass. Copied from the original records in the State Paper office."

## 15. COMMERCIAL AND NAVAL HISTORY.

- Bartlett, J. R. Naval history of R. I., 1869-70. (In Hist. Mag. 17:39, 111, 230, 324; 18:18, 94, 175, 259, 342. This is an enlargement of his articles in the Prov. Jour., 1860-62.)  
 Brown, M. Letter to Tristram Burges on commerce, 1836. (A ms. in the R. I. H. S. Library, Moses Brown Papers, 18:60.)  
 Commercial sketch of Newport, 1871. (In Hunt's Merch. Mag. 25:181-193.)  
 Dow, C. H. History of steam navigation between N. Y. and Prov., 1877. 29p.  
 Grieve, R. Commercial opportunities of Prov., 1900. 15p.  
 H[olbrook], A. The privateer Providence, 1812-15, 1893. 62p.  
 Kimball, G. S. The East India trade of Prov. 1787-1807, 1896. 34p. (In B. U. Hist. Sem. Papers, no. 6.)  
 Kip, W. I. Father Fauque's narrative of the R. I. privateer, 1744, 1874. (In Overland Monthly, 12:323-334, 511-522. Also in Kip's "Historic scenes from old Jesuit missions," 1875. p. 153-205.)

- Lippitt, C. W. Commerce at Prov., 1883. 16p.  
 List of vessels belonging to the port of Prov., 1791. (In R. I. H. S. Publ. n. s., 6:196-198.)  
 Maclay, E. S. Hist. of Am. privateers, 1899. 519p. (Contains an account of Silas Talbot, p. 91-112, of Solomon Drowne, p. 167-176, and of R. I. privateering in 1812, p. 265-278.)  
 Miller, J. A. Commercial advantages of Prov., 1891. 28p.  
 Prov. Journal Co. Possibilities of Prov. harbor, 1900. 64p.  
 Sheffield, W. P. Privateersmen of Newport, 1883. 67p.  
 Snow, W. C. The War of 1812; a part of its naval history. (In R. I. H. S. Publ. n. s., 5:143-186.)  
 Spears, J. R. Am. slave trade, 1900. 232p. (Prints several R. I. letters and contains much reference to R. I.)  
 Stevens, J. A. Commerce of R. I. (In Davis, N. E. States, 4:2458-2479.)

## 16. CONSTITUTIONAL AND POLITICAL HISTORY.

- A few observations on the govt. of R. I., by a citizen, 1809. 18p.  
 Adlam, S. Origin of the institutions of R. I., 1871. 18p.  
 Allen, S. H. The electors of R. I. (In N. H. R., 6:301-313.)  
 Andrews, N. The development of the nominating convention in R. I., 1894. (Reprinted from R. I. H. S. Publ. n. s., 1:258-269. Also in B. U. Hist. Sem. Papers, no. 1.)  
 Anthony, H. B. A complete report of the American republican legislative caucus in Newport, 1885. 36p.  
 Anthony, H. B. Defense of R. I., her institutions, and her right to her representatives in Congress, 1881. 35p.  
 Anthony, H. B. Limited suffrage in R. I., 1883. (In No. Am. Rev. 137:413-421.)  
 Arnold, N. J. The history of suffrage in R. I. (In N. H. R., 8:305-331.)  
 Blake, J. M. Political corruption in R. I., 1866. 29p.  
 Bradley, C. S. Methods of changing the constitutions of the states, especially that of R. I., 1885. 105p.  
 Charters and legislative documents illustrative of R. I. history, 1844. 68p.  
 Davis, T. R. I. politics and journalism, 1866. 33p.  
 Davis, W. T. The constitutional history of R. I. (In Davis's N. E. States, 4:2332-2361.)  
 Durfee, J. The R. I. idea of civil government, 1847. 32p. (Also in his Works.)  
 Durfee, T. Some thoughts on the constitution of R. I., 1884. 57p.  
 Eaton, A. M. Constitution-making in R. I., 1899. 128p.  
 Equal Rights Assoc. Constitution of R. I. and equal rights, 1881. 58p.  
 Gorman, C. E. Hist. statement of the elective franchise in R. I., 1879. 39p.  
 Green, Arnold. Constitutional history of R. I. (In Prov. Jour. Mar. 17, 1885.)  
 Honey, S. R. Constitutional reform, 1894. 19p.  
 Honey, S. R. Politics in R. I., 1887. (In Nation, 44:114-115.)  
 Jenkins, H. W. Suffrage in R. I., 1883. (In American, 5:391.)  
 Jernegan, M. W. The Tammany societies of R. I., 1897. 39p. (In B. U. Hist. Sem. Papers, no. 8.)  
 Luther S. Address on the right of free suffrage, 1833. 25 plus 16p.  
 Payne, A. The elective franchise; an argument for a constitutional convention, 1882. 8p.  
 Payne, A. and W. Sheffield. Constitutional reform in R. I., 1886. (In No. Am. Rev. 142:332-341.)  
 Proposed revised constitution of R. I., to be submitted to the electors on June 20, 1899, 1899. 24p.  
 Report of the commission to revise the constitution, 1898. 47p.  
 Report of the constitutional commission, with suggestions (by A. M. Eaton et al.) in regard to a new constitution, 1898. 92p.  
 Report of the joint select committee on changes in the constitution, 1882. 21p.  
 Rider, S. S. Legislative history in R. I., 1887. (In Bk. Notes, 4:106.)



- Rider, S. S. The origin of R. I. institutions, 1892. (In Bk. Notes, 9:241-244.)  
 Rider, S. S. Punishment for contempt by the Genl. Assembly, 1887. (In Bk. Notes, 4:97-102.)  
 Rider, S. S. The referendum in colonial R. I., 1894. (In Bk. Notes, 11:97-99.)  
 Rider, S. S. A review of two decisions of the supreme court on exemption from taxation, 1900. 16p.  
 Sheffield, W. P. The mode of altering the constitution of R. I., 1887. 44p.  
 Sheffield, W. P. Random notes on the government of R. I., 1897. 63p.  
 Stickney, C. Know-nothingism in R. I., 1894. (From R. I. H. S. Publ. n. s., 1:241-257. Also in B. U. Hist. Sem. Papers, no. 3.)  
 Stiness, J. H. Civil changes in the State, 1897. 33p.  
 Van Zandt, C. C. Constitutional convention [in R. I.], [1870]. 8p.  
 Winslow, J. The trial of the R. I. judges, 1887. 24p.

See also the collection of clippings in the Prov. Pub. Lib., on the agitation (1898-99) to revise the present constitution.

For the constitutional troubles of 1842, see HISTORY—DORR WAR.

There are four volumes of political pamphlets in the R. I. Hist. Soc. They are chiefly "addresses to freemen," relating to state elections. The titles of many are in Bartlett's "Bibliography." p. 7-10.

## 17. ECCLESIASTICAL HISTORY.

NOTE—The historical discourses of Callender and Ross take up religious, rather than political history.

- Barrows, C. E. ed. Diary of John Comer, 1704-1733, 1893. (R. I. H. S. Coll. v. 8. 132p.)  
 Benedict, D. History of the Baptist denomination in America, 1813. 2v. 1848, 1v. (Contains the best history of Baptists in R. I.)  
 Clarke, R. H. R. I. and Md.; which established religious liberty first? 1894. (In Am. Cath. Quar. 20:289-312.)  
 Dowling, A. The Roman Catholic church in the N. E. States, 1899. (V. 1 contains a history of the Prov. diocese. See also Bk. Notes, 16:201.)  
 Earle, A. M. The oldest Episcopal church in N. E., 1893. (In N. E. Mag. n. s., 7:577-593. See also Bk. Notes, 10:13-16.)  
 Edwards M. Materials for a history of the Baptists in R. I., 1867. (In R. I. H. S. Coll. 6:302-370.)  
 Felt, J. B. Ecclesiastical history of N. E., 1862. 2v. (Grouped chronologically by colonies as far as 1675.)  
 Hazard, C. The Narragansett Friends' meeting in the 18th century, 1657-1784, 1899. 189p.  
 Henshaw, J. P. Discourse, 150th anniversary of the Soc. for the Propagation of the Gospel in Foreign Parts, 1851. 36p. (D. Humphreys wrote a general account of this society in 1730. Brown Univ. and the J. C. Brown library have complete collections of annual discourses illustrating the history of this society in R. I.)  
 Jackson, H. An account of the churches of R. I., 1854. 134p.  
 Jackson, H. Early religious history of R. I. (In Manufacturer's and Farmer's Jour. April 17-27, 1854.)  
 Jameson, J. F. The first public (church) library in R. I. (In R. I. H. S. Publ. n. s., 4:227-231.)  
 King, H. M. A brief picture of the historic background of our freedom of worship in R. I., 1901. 7p.  
 Knight, R. History of the General and Six Principle Baptists, 1827. 367p.  
 Rider, S. S. An inquiry concerning the origin of the clause in the laws of R. I. (1719-1783) disfranchising Roman Catholics, 1889. (R. I. Hist. Tract, ser. 2, no. 1, 72p.)  
 Rider, S. S. Soul liberty, R. I.'s gift to the nation, 1897. (In R. I. Hist. Tract, ser. 2, no. 5. 87p.)

- Updike, W. History of the Episcopal church in Narragansett, 1857. 533p.  
 Vose, J. G. Sketches of Congregationalism in R. I., 1894. 236p. (See also Bk. Notes, 11:193-205.)  
 Warden, O. N. The lively experiment, 1871. (In Bapt. Quar. Rev. 5:438-459.)

There are many pamphlets and small articles relating to individual R. I. churches, those relating to the oldest established churches at Prov. and Newport alone having much historical value.

*Providence.*

- Caldwell, S. L. Historical discourse, 1st Baptist Church, 1865. 22p.  
 Caldwell, S. L. History of the 1st Baptist Church, 1877. 23p.  
 Clark, T. M. Historical discourse, St. John's Church, 1872. 52p.  
 Hague, W. Historical discourse, 1st Baptist Church, 1839. 192p.  
 Hall, E. B. Discourse, comprising a history of the 1st Congregational Church, 1836. 62p.  
 King, H. M. The mother church [1st Baptist], 1896. 85p.  
 King, H. M. Historical discourse, 1st Baptist meeting-house, 1900. 35p.  
 McDonald, W. History of Methodism in Prov., 1868. 136p.  
 Richards, C. A. L. Sermon 150th anniv. of St. John's Church, 1897. 31p.  
 Shafter, E. F. John Checkley. (In Prince Soc. Publ. 1897, 2v. Concerns St. John's Church where Checkley was pastor, 1739-54.)  
 Staples, C. A. Sermon, 60th anniv. of the dedication of the 1st Congregational meeting house, 1876. 24p.  
 Stone, A. The 1st Congregational Church and its meeting-houses, 1897. 16p.  
 250th anniv. of the 1st Baptist Church, 1889. 118p.

*Newport.*

- Adlam, S. The First Church in Prov. not the oldest, 1850. 28p. (This was answered by J. N. Granger et al. in "A review of a report, etc.", 1850. 26p.)  
 Goodwin, D. The making of Trinity Church, 1898. 22p.  
 Mason, G. C. Annals of Trinity Church, 1890-94. 2v.

## 18. EDUCATIONAL HISTORY.

- Barnard, H. ed. Journal of the R. I. Institute of Instruction, 1845-48. 3v. (V. 1, p. 97-148, contains Barnard's "History and condition of the legislation of R. I. respecting public schools." There is an excellent criticism of this Journal and of the history of R. I. public schools in N. A. Rev. 67:240-256.)  
 Murray, T. H. Irish schoolmasters in the Am. colonies, 1898. 31p. (p. 25-31 are devoted to the early Irish schoolmasters of R. I.)  
 Potter, E. R. ed. R. I. Educational Mag., 1852-54. 2v.  
 Reports of Commissioners of Public Schools, 1846-date.  
 R. I. Schoolmaster, 1855-74. 20v.  
 Rider, S. S. How religious liberty retarded common schools in R. I., 1895. (In Bk. Notes, 12:1-3.)  
 Stockwell, T. B. History of education in R. I. (In Davis, N. E. States, 4:2398-2417.)  
 Stockwell, T. B. History of education in R. I. from 1636 to 1876, 1876. 458p.  
 Stone, E. M. History of the R. I. Institute of Instruction, 1874. 144p.  
 Tolman, W. H. History of higher education in R. I., 1894. 210p.  
 Turner, H. E. Schools and schoolmasters of Newport, 1884. (In Newpt. Hist. Mag. 4:203-225. See also Am. Jour. Educ. 27:707.)

See also under "Schools" in Bartlett's "Bibliog.", p. 236-239. All matter concerning Brown University can be found in the Bibliog. of Brown Univ., 1756-1898, 1898. 20p.

## 19. FINANCIAL HISTORY.

- Angell, J. K. An essay on the right of a state to tax a body corporate, considered in relation to the present bank-tax in R. I., 1827. 44p.
- Clark, F. C. Assize of bread. (In N. H. R., 6:261-268.)
- Dyer, E. Valuation of the towns of R. I., 1860-69, 1871. 39p.
- Greene, W. A. R. I. colonial paper currency. (In N. H. R., 4:6-26.)
- Knox, J. J. Hist. of banking in the U. S., 1900. 880p. (Contains a chapter on banking in R. I.)
- Potter, E. R. Brief account of the emissions of paper money made by the colony of R. I., 1837. 48p. (Also in H. Phillips, "Hist. sketches of paper currency," 1865. p. 97-189.)
- Potter, E. R. and S. S. Rider. Some account of the bills of credit, or paper money, of R. I. from 1710-1786, 1880. (R. I. Hist. Tract, v. 8; 228p.)
- Littlefield, A. H. Review of the public debt, 1884. 29p. (Panic of 1857 in R. I.)
- Report of the committee on increasing the banking capital, 1826. 40p.
- Report of the commissioners on the history and character of the registered state-debt, 1787. 15p.
- The plough and the sickle; or R. I. in the Revolution, 1846. 28p. (Relates to state debt.)
- Richmond, J. W. R. I. repudiation; or history of the revolutionary debt, 1848. 106p. 2 ed. 1855. 208p. (There is an account of Richmond's attitude to the state debt in R. I. H. S. Publ. n. s., 4:234-243. See also Bartlett's "Bibliog. of R. I.," p. 250.)
- Rider, S. S. A century of banks and banking in R. I., 1899. (In Bk. Notes, 16:145, 153, 161, 169, 177.)
- Updike, W. History of the alleged state debt of R. I., 1846. 12p.
- Varnum, J. M. Case of Trevett against Weeden, 1787. 60p. (See also Bk. Notes, 6:42; 11:62.)
- Vernon, J. W. Banking and currency in R. I. (In Davis, N. E. States, 4:2443-2457.)
- Webster, N. The devil is in you. (In his essays, 1790, p. 127-131. Advice to Rhode Islanders regarding paper money, 1786.)
- Winslow, J. The trial of the R. I. judges, 1887. 24p.

Andrew M. Davis, of Boston, read a paper on the "Colonial currency of R. I." before the R. I. H. S., Dec. 13, 1898. He probably has the ms. Arthur M. Mowry of Cambridge had a ms. on the "R. I. tariffs," on which he lectured before the R. I. Hist. Soc., April 16, 1895. Prof. H. B. Gardner, of Brown University, has a ms. and many statistical notes on "The history of colonial taxation in R. I." Mr. Howard K. Stokes is preparing to publish a monograph on "Prov. finances and administration, 1636-1900."

## 20. JUDICIAL HISTORY.

- Allen, S. H. The R. I. judiciary. (In N. H. R., 7:57-63.)
- Durfee, T. Gleanings from the judicial history of R. I. (In R. I. Hist. Tract, 1883. v. 18. 164p.)
- Durfee, T. The judicial history of R. I. (In Davis, N. E. States, 4:2362-2397.)
- Rider, S. S. Origin of a stumbling block in the R. I. constitution, 1892. (In Bk. Notes, 9:277-281, 289.)
- Staples, W. R. History of the criminal law of R. I., 1854. 29p.
- For the different law cases of R. I. see Bartlett's "Bibliog." 174-175.

## 21. MANUFACTURING AND BUSINESS HISTORY.

- Frost, W. B. Jewelry manufacture of R. I., 1897. (In Davis, N. E. States, 4:2511-2517.)



- Grieve, R. and J. P. Fernald. *The Cotton Centennial*, 1891. 176p.  
 Hersey, G. D. Medical history of R. I. (In Davis, N. E. States, 4:2480-2499.)  
 Joslin, H. V. A. Street railway lines of R. I. (In Davis, N. E. States, 4:2518-2527.)  
 Prov. Jour. Manufacturing and mechanical industry of R. I. (A series of sketches begun in the Prov. Jour., Feb. 28, 1870.)  
 Smith, S. A. The industries of R. I. (In Davis N. E. States, 4:2528-2570.)  
 Taft, R. C. Some notes upon woolen manufacture in U. S., 1882. 58p.  
 Watson, E. L. Insurance in R. I. (In Davis N. E. States, 4:2429-2442.)  
 White, G. S. Memoir of S. Slater and history of manufactures, 1836. 448p.

There is considerable literature on coal in R. I., and many references to R. I. manufactures can be found in the Transactions of the R. I. Soc. Domestic Industry. Bishop's "Hist. of Am. Manufactures," and Bagnall's "Textile Industries in the U. S." both contain much reference to R. I. In the library of the R. I. Hist. Soc. are papers by Elisha Dyer on the history of steam power, of fire engines, etc., in R. I.; also many papers by Moses Brown and by Zachariah Allen on various R. I. textile manufactures.

## 22. SOCIAL HISTORY.

- Bartlett, J. R. History of lotteries in R. I. (In the Prov. Jour. 1856. The first four of these articles were publ. in the Prov. Almanac for 1857.)  
 Carpenter, E. B. Some aspects of negro slavery in R. I. (In Prov. Jour. April 27, 1874.)  
 Chace, E. B. Old Quaker days in R. I., 1897. (In N. E. Mag. n. s. 16:655-663. Relates chiefly to social life.)  
 Greene, M. A. ed. The legal status of women under the laws of R. I., 1892.  
 Johnston, W. D. Slavery in R. I., 1755-1776, 1894. (In R. I. H. S. Publ. n. s., 2:109-164. Also in B. U. Hist. Sem. Papers, no. 5.)  
 Palmer, H. R. Population tendencies in R. I., 1896. (In N. E. Mag. n. s. 14:159-162.)  
 Prov. Soc. for abolishing the slave-trade. Constitution, with acts of Mass., Conn., and R. I. to prevent the slave-trade, 1789. 19p.  
 Rider, S. S. The early marriage laws of the colony of R. I., 1895. (In Bk. Notes, 15:241-245.)  
 Rider, S. S. The measure of punishment for crime in R. I., 1898. (In Bk. Notes, 15:25-27.)  
 Rider, S. S. The Sunday laws of colonial R. I., 1895. (In Bk. Notes, 12:169-170.)  
 Stiness, J. H. A century of lotteries in R. I., 1744-1844, 1896. (In R. I. Hist. Tract, ser. 2, v. 3. 123p.)  
 Stiness, J. H. A sketch of R. I. legislation against strong drink, 1892. 50p. (For the many sermons and reports on intemperance, see Bartlett's "Bibliog.", p. 256-260.)  
 The feeble-minded of R. I., 1898. (In Char. Rev. 8:388-340.)  
 Vose, J. G. Note on the transaction of Roger Williams and others, in selling Indians into slavery. (In R. I. H. S. Publ. n. s., 1:239-240.)  
 Wardwell, S. S. The temperance cause in Prov. (A series of seven sketches in Prov. Jour., 1859.)

## 23. TOWN HISTORIES.

### *Barrington.*

- Bicknell, T. W. Hist. Sketches of Barrington, 1870. 192p.  
 Bicknell, T. W. History of Barrington, 1898. 620p. (See also Bk. Notes, 16:81.)

### *Block Island (New Shoreham.)*

- Beckwith, H. T. History of Block Id., 1858. (In Hist. Mag. 2:98-106.)

- Lanman, C. Block Id., 1876. (In Harp. Mag. 53:168-178.)  
 Livermore, S. T. History of Block Id., 1877. 371p.  
 Livermore, S. T. Block Id., 1893. 137p.  
 Mendum, S. W. Block Id., 1897. (In N. E. Mag. n. s. 16:738-751.)  
 Sheffield, W. P. Hist. sketch of Block Id., 1876. 62p.  
 Stiles, E. Memoir of Block Id., 1762. (In 1 M. H. S. Coll., 10:111.)

*Bristol.*

- Account of the settlement of Bristol, 1785. 16p.  
 Diman, J. L. Address at the 200th anniversary of the settlement of Bristol, 1880. (In his "Orations and Essays," 1882. p. 139-167.)  
 Greene, C. A. Gleanings from the ancient records of Bristol. (In N. H. R., 3:59, 157, 205, 276.)  
 Lane, J. P. Hist. sketches of the First Church in Bristol, 1872. 126p.  
 Munro, W. H. History of Bristol, 1880. 396p.  
 Miller, W. J. ed. 200th anniversary of the settlement of Bristol, 1880. 194p.  
 Slade, W. A. The King Philip Country, 1898. (In N. E. Mag. n. s., 18:605-629.)

*Burrillville.*

- Keach, H. A. Burrillville as it was, and as it is, 1856. 170p.  
 Rider, S. S. Pascoag, 1896. (In Bk. Notes, 13:37-39.)

*Charlestown.*

- Tucker, W. F. Hist. sketch of Charlestown, 1877. 88p.

*East Greenwich.*

- Eldredge, J. H. Typographical notices of E. Greenwich. (A ms. in the R. I. Hist. Soc. Library.)  
 Eldredge, J. H. and D. H. Greene. History of E. Greenwich. (In E. Greenwich Weekly Pendulum, 1860.)  
 Greene, D. H. History of E. Greenwich, 1877. 263p.  
 Turner, H. E. Reminiscences of E. Greenwich, 1892. 15p.

*East Providence.*

- Bliss, G. N. Hist. sketch of E. Prov., 1876. 52p.  
 Hoyt, H. W. The story of Hunt's Mills, 1895. 28p.

*Foster.*

- Beaman, C. C. Sketches of Foster. (A series of 16 articles begun in Prov. Jour., 1859.)  
 Casey, B. T. Reminiscences of Foster. (Printed in early numbers of the Pawtuxet Valley Gleaner, and reprinted Aug. 27, 1892, to Mar. 4, 1893.)

*Glocester.*

- Perry, E. A. Brief hist. of Glocester, 1886. 136p.

*Hopkinton.*

- Griswold, S. S. Hist. sketch of Hopkinton, 1877. 96p.

*Jamestown.*

- Aquidneck (pseud.). Jamestown. (In Prov. Jour. April 26, 1860.)  
 Brinley, F. Conanicut Island, 1882. (In Newp. Hist. Mag. 2:193-197.)  
 Rider, S. S. Conanicut, 1892. (In Bk. Notes, 9:157-159.)

*Lincoln.*

- Greene, W. A. Hist. sketch of Lincoln, 1876. 26p.

*Little Compton.*

- Brayton, J. S. Some facts in the hist. of Tiverton and Little Compton. (In Fall River News, Mar. 24, 1898.)  
 Little, P. F. Incidents in Little Compton and Tiverton during the Revolution and the War of 1812, 1880. 32p.  
 Notes on Compton, 1803. (In 1 M. H. S. Coll., 9:199-206.)  
 Rider, S. S. Saconet, 1897. (In Bk. Notes, 14:121-122.)  
 Wilbour, I. C. Address on the early hist. of Little Compton, 1882. 14p.

*Middletown.*

- Arnold, S. G. Hist. sketch of Middletown, 1876. 62p.  
 In the matter of Sachuest Beach, Middletown, 1877. 47p.  
 Rider, S. S. Sachuest, 1897. (In Bk. Notes, 14:261-262.)

*Narragansett Country.*

- Arnold, J. N. The Fones record, 1894. 199p.  
 Arnold, J. N. The great secret; an inquiry into the causes of the contention for the possession of the Narragansett Co. (In N. H. R., 6:1-24.)  
 Arnold, J. N. Narragansett's place in R. I. history. (In N. H. R., 1:12-27.)  
 Arnold, J. N. Pen-pictures of Narragansett history, 1889. 31p.  
 Brinley, F. Brief narrative of Nanhiganset Country. (In 3 M. H. S. Coll., 1:209-228; also in N. H. R., 8:176-199. A slightly varying and far more correct text is printed in R. I. H. S. Publ. n. s., 8:69-96.)  
 Carpenter, E. B. South-county neighbors, 1887. 272p. (Miss Carpenter also had several articles on Narragansett in the Prov. Journal for 1873-74.)  
 Channing, E. The Narragansett planters; a study of causes, 1886. 23p. (In Johns Hopkins studies, v. 4, pt. 3.)  
 Earle, A. M. In old Narragansett, 1898. 196p. (Local short stories.)  
 Gardiner, J. W. The pioneers of Narragansett. (In N. H. R., 2:112-115.)  
 Gardiner, J. W. Roger Williams, the pioneer of Narragansett. (In N. H. R., 2:25-34.)  
 Hazard, C. Judge Sewall's gifts in Narragansett Co. (In R. I. H. S. Publ. n. s., 6:117-132.)  
 Hazard, T. R. The jonny-cake letters, 1880. 173p. 1882. 448p.  
 Hazard, T. R. Recollections of the olden time, 1879. 288p.  
 Mason, G. C. Old plantation life in R. I., 1900. (In N. E. Mag. n. s. 21:735-740.)  
 Potter, E. R. The early hist. of Narragansett, 1835. (In R. I. H. S. Coll., v. 3, 315p. 2 ed., 1886. 423p.)  
 Rider, S. S. The King's Province, 1895. (In Bk. Notes, 12:265-268.)  
 Wheeler, R. A. Mass. land orders, and Major Atherton's company. (In N. H. R., 2:101-107.)

*Newport.*

- Brenton, E. C. Hist. of Brenton's Neck, 1877. 50p.  
 Cahoon, S. Sketch of Newport and vicinity, 1862. 213p.  
 Champney, L. W. Society of Newport in the 18th century, 1879. (In Harp. Mag., 59:497-505.)  
 Channing, G. C. Early recollections of Newport, 1868. 284p.  
 Coaster's Harbour Island, 1881. (In Newp. Hist. Mag. 1:193-200.)  
 Collins, J. The city and scenery of Newport, 1857. (14 views.)  
 Commercial sketch of Newport, 1871. (In Hunt's Merch. Mag. 25:181-193.)  
 Coolidge, S. Newport, the isle of peace, 1898. (In Powell's "Historic Towns of N. E.", p. 443-473.)  
 Curtis, G. W. Newport, historical and social, 1854. (In Harp. Mag. 9:289-317.)  
 Denison, F. The Israelites in R. I. (In N. H. R., 4:301-327.)  
 Dix, J. R. A handbook of Newport, 1852. 170p.  
 Extracts from R. I. Colonial Records relating to grants of lands to early settlers of Newport, 1881-82. (In Newp. Hist. Mag. v. 1-3.)  
 Gregory, E. Newport in summer, 1901. (In Harp. Mag. 103:165-174.)  
 Hammett, C. E. Contributions to the bibliography and literature of Newport, 1887. 185p.  
 Howland, B. B. The streets of Newport, 1892. (In Mag. N. E. Hist., 2:79-93.)  
 Kohler, M. J. The Jews in Newport, 1897. (In Publ. Am. Jew. Hist. Soc., 6:61-80.)  
 Lyman, E. B. [Social life in Newport during the Revolution, 1869.] 21p.  
 Mason, G. C. Annals of the Redwood Library, 1891. 528 p.  
 Mason, G. C. Newport and its cottages, 1890. 109p.  
 Mason, G. C. Newport illustrated, 1854. 110p.  
 Mason, G. C. Nicholas Easton vs. the City of Newport, 1885. (In R. I. H. S. Coll., 7:327-349.)  
 Mason, G. C. Reminiscences of Newport, 1884. 407p.  
 Mason, G. C. Reunion of the sons and daughters of Newport, 1859. 297p.



- Newport, the city by the sea. (In *Prov. Jour.* May 22, 1879.)  
 Peterson, E. *Hist. of R. I. and Newport*, 1853. 370p.  
 Richards, T. A. *Newport*, 1859. (In *Knicker. Mag.*, 54:337-352.)  
 Sheffield, W. P. *Hist. address*, Newport, 1876. 83p.  
 Sheffield, W. P. *Privateersmen of Newport*, 1883. 67p.  
 Tuckerman, H. T. *Newport out of season*, 1858. (In *Knicker. Mag.*, 52:24-35.)  
 Turner, H. E. *Newport, 1800-1850*, 1897. 12p.  
 Turner, H. E. *Settlers of Aquidneck*, 1880. 55p.  
 Waterhouse, B. *Letter to T. Jefferson*, 1822. (In *R. I. H. S. Publ. n. s.*, 2:171-179. *Relates to Newport.*)  
 See also Hammett's *Bibliog. of Newport*, and Mayors' inaugural addresses.  
 For *Newport in the Revolution*, see *HISTORY—REVOLUTION*.

#### *North Kingstown.*

- Baker, D. S. *Hist. sketch of No. Kingstown*, 1876. 26p. (See also the poem by H. G. O. Gardner, 1876. 14p.)  
 Griswold, F. B. *Old Wickford, the Venice of America*, 1900. 240p. (See also *Bk. Notes*, 13:157.)  
 Huling, R. G. *The first list of freemen of Kingstowne*. (In *N. H. R.*, 2:241-244.)  
 Notes on *Quidnesset*. (In *N. H. R.*, 1:305-311; 5:61-66.)  
 See also *Narragansett Country*.

#### *Pawtucket.*

- Benedict, D. *Reminiscences of Pawtucket*. (In *Paw't Gazette and Chronicle*, 1853-55, 1858, 1864. Abridged in *Paw't Directory*, 1869-70, p. 1-14.)  
 Blackstone Valley sketches. (In *Prov. Jour.*, Sept. 13, 1853; Dec. 5, 21, 1854.)  
 Bliss, L. *History of Rehoboth*, 1836. (Contains a history of Paw't.)  
 Goodrich, M. *Hist. sketch of Pawtucket*, 1876. 189p.  
 Goodrich, M. *Pawtucket and the Slater Centennial*, 1890. (In *N. E. Mag. n. s.*, 3:138-156.)  
 Grieve, R. *Hist. of Pawtucket, Central Falls and vicinity*, 1897. 509p.  
 Grieve, R. and J. B. Fernald. *The Cotton Centennial*, 1891. 176p.  
 North Providence Centennial, 1865. 92p.  
 Rider, S. S. *The Sergeant's Trench riot at Pawtucket*, 1894. (In *Bk. Notes*, 11:13-16, 37. See also *Story's "Opinion,"* 1827. 19p.)

#### *Portsmouth.*

- Brigham, C. S. ed. *The early records of the town of Portsmouth*, 1901. 462p.  
 Perry, A. *The oldest town-records in the state*. (In *R. I. H. S. Publ. n. s.*, 5:222-226.)

#### *Providence.*

- Arnold, F. A. *Original deeds of Providence and vicinity*. (In *N. H. R.*, 2:222, 287; 3:67, 72, 314; 4:238, 290.)  
 Arnold, F. A. *The town bridge at Weybosset*. (In *R. I. H. S. Publ. n. s.*, 3:112-122. Also printed separately.)  
 Bailey, W. M. *Turk's Head and the Whitman estate*. (In *R. I. H. S. Publ. n. s.*, 5:216-222.)  
 Benefit street in 1798. (In *R. I. H. S. Publ. n. s.*, 8:161-189.)  
 Brennan, W. G. *Roger Williams Spring*. (In *R. I. H. S. Publ. n. s.*, 7:135-138.)  
 Brown, M. *Original settlement of Prov.* (In *Prov. Directory for 1828*, p. 5-8.)  
 Cowell, B. *Ancient documents relative to the old grist-mill*, 1829. 32p.  
 Denison, F. *The Cove lands and Proprietors' rights*. (In *Prov. Jour.* May 21, 1877.)  
 Dorr, H. C. *The planting and growth of Prov.*, 1882. (*R. I. Hist. Tract*, v. 15, 267p.)  
 Dorr, H. C. *The proprietors of Prov. and their controversies with the freeholders*, 1897. (*R. I. H. S. Coll. v. 9*:141p. Reprinted from *Publ.*)  
 Durfee, T. *Hist. discourse*, 1887. 69p.  
 43-3

- Durfee, T. Oration at the dedication of the Prov. county court-house, 1879. 38p.
- Field, E. Tax-lists of Prov., 1686-89, 1895. 63p.
- Foster, W. E. et al. When was Prov. founded? (In N. H. R., 5:27-42.)
- Georgi, H. W. The beginnings of insurance in Prov. (In R. I. H. S. Publ. n. s., 1:180-182.)
- Greene, W. A. Prov. plantations for 250 years, 1886. 468p.
- Grieve, R. Commercial opportunities of Prov., 1900. 15p.
- Grieve, R. Modern Prov., 1896. (In N. E. Mag. n. s., 13:769-792.)
- Holbrook, A. North end landmarks of Providence. (In Prov. Jour., 1880-83.)
- Hopkins, C. W. The home-lots of the early settlers of Prov., 1886. 55p.
- Hopkins, S. The planting and growth of Prov. (In Prov. Gazette for 1762, 1765; also in 2 M. H. S. Coll. v. 9, and in R. I. H. S. Coll. v. 7.)
- Howard, H. A plea for progress, 1890. 63p.
- Howland, H. A. Prov. in 1810. (In N. H. R., 6:111-121.)
- Inman, H. S. Prov. illustrated, 1886.
- Isham, N. M. The first town-mill of Prov. (In R. I. H. S. Publ. n. s. 5:192-194.)
- Kimball, G. S. The East India trade of Prov., 1787-1807, 1896. 34p. (In B. U. Hist. Sem. Papers, no. 6.)
- King, M. Pocket-book of Prov., 1882. 124p. (Subscription ed. on large paper.)
- Knight, H. C. A glance at the town of Prov., 1812. (A series of 11 sketches in the R. I. American in 1812, and reprinted, with annotations by W. R. Staples, in Prov. Jour. Aug. 4-Nov. 8, 1866.)
- Larned, E. D. Gleanings from Windham county, Conn., 1899. 254p. (Chap. 5 is called "Windham Co. and Prov.")
- Lippitt, C. W. Commerce at Prov., 1883. 16p.
- List of vessels belonging to the port of Prov., 1791. (In R. I. H. S. Publ. n. s., 6:196-198.)
- Losses by the port of Prov., 1756-1764. (In R. I. H. S. Publ. 4:185-187.)
- Luther, F. N. Providence, 1887. (In N. E. Mag. n. s., 5:499-527.)
- Paine, G. T. A denial of the charges of forgery in the sachem's deed to Roger Williams, 1896. 71p.
- Patton, A. B. The early land titles of Prov. (In N. H. R., 8:156-175.)
- Perry, A. Early commercial signs and firms of Prov. (In R. I. H. S. Publ. n. s., 6:143-156.)
- Prov. Jour. Providence, history of its settlement and growth. (In Jour. of June 24, 1886.)
- Records of the town of Prov., 1892-99. 15v. (plus 4 reports.)
- Rider, S. S. The forgeries connected with the deed given by the sachems to Roger Williams, 1896. (R. I. Hist. Tract, n. s., 4:128p. See also Bk. Notes, 13:241; 14:1; R. I. H. S. Publ. n. s., 4:194, 231.)
- Rider, S. S. Notes on the early Prov. records, 1892. (In Bk. Notes, 9:101, 112, 123, 133, 147; 17:91.)
- Staples, W. R. Annals of the town of Prov., 1843. 670p. (Also as v. 5 of R. I. H. S. Coll.)
- Stone, E. M. The burning of Prov. (In Prov. Jour., April 10, 1876.)
- Tax-list of the town of Prov., 1679. In R. I. H. S. Publ. n. s., 1:231-233.)
- Thompson, J. C. Illustrated handbook of Prov., 1876. 136p.
- Weeden, W. B. Providence, 1898. (In Powell's "Historic Towns of N. E.," p. 475-505.)
- Wilson, G. C. Town and city govt. in Prov., 1889. 77p.
- See under "Providence" in Bartlett's "Bibliog.," 212-218; also Mayors' inaugural addresses.

#### *Richmond.*

- Irish, J. R. Hist. sketch of Richmond, 1877. 96p.
- Rider, S. S. Shannock, 1896. (In Bk. Notes, 13:169-170.)

#### *Scituate.*

- Beaman, C. C. Hist. address, Scituate, 1877. 67p.

Beaman, C. C. Sketches of Scituate. (In Prov. Jour., 1854-55; 25 sketches.)

There is a great deal of mss. (chiefly concerning lands and boundaries) relating to Scituate in v. 7 of the R. I. H. S. mss. in its Library.

*Smithfield.*

Arnold, F. A. The Inman purchase in North Smithfield. (In N. H. R., 6:49-92.)

Steere, T. History of Smithfield, 1881. 230p.

*South Kingstown.*

Carroll, C. Narragansett Pier, 1879. (In Harp. Mag. 59:161-177.)

Comstock, C. A hist. of So. Kingstown, 1806. 12p.

Crandall, W. C. A sketch of Narr. Pier, including rambles through So. Kingstown [1884]. 39p.

Hazard, J. P. Dalecarlia and vicinity. (In N. H. R., 2:130-136.)

Hazard, J. P. Recollections of So. Kingstown. (In Prov. Jour. Oct. 31, 1874.)

Hazard, J. P. Ship-building in Narragansett. (In N. H. R., 2:61-77.)

Watson, I. Guide to Narragansett pier. 136p.

See also *Narragansett Country*.

*Tiverton.*

Brayton, J. S. Some facts in the history of Tiverton and Little Compton. (In Fall River News, March 24, 1898.)

Little, P. F. Incidents in Little Compton and Tiverton during the Revolution and the War of 1812, 1880. 32p.

*Warren.*

Baker, V. Glimpses of ancient Sowams. (In R. I. H. S. Publ. n. s., 2:196-202.)

Baker, V. Sowams, the home of Massasoit; where was it? 1899. (In N. E. Hist. and Geneal. Reg., 53:317-322. Also reprinted separately.)

Baker, V. Warren in the Revolution, 1901. 68p. (See also Bk. Notes, 18:129.)

Exercises at Warren, on the Massasoit monument fund, 1893. 40p.

Fessenden, G. M. History of Warren, 1845. 125p. (Pub. as supplement to Tustin's discourse.)

Rider, S. S. Kickemuet, 1897. (In Bk. Notes, 14:255-257.)

Tustin, J. P. Discourse at the dedication of the new Baptist church, 1845. 193p.

*Warwick.*

Arnold, N. J. The valley of the Pawtuxet. (In N. H. R., 6:222-259; 7:233-280; 8:97-118; 9:153-194.)

Ely, W. D. Report on the settlement of Warwick, 1642, 1888. (In R. I. H. S. Proc., 1887-88, p. 40-60. Also printed separately.)

Fuller, O. P. History of Warwick, 1875. 380p.

Fuller, O. P. Hist. sketch of the churches of Warwick, 1880. 106p.

Greene, H. L. Signatures of the settlers of Warwick. (In R. I. H. S. Publ. n. s., 4:107-123.)

Huling, R. G. The offer of sale of Warwick. (In N. H. R., 2:233-238.)

Rider, S. S. In defense of the founders of Warwick, 1890. (In Bk. Notes, 7:109-110.)

Rider, S. S. Nasauket and Shawomet, 1889. (In Bk. Notes, 6:125-129.)

Rousmaniere, H. Letters from the Pawtuxet. (Publ. in Prov. Jour., 1859-60.)

Spencer, W. B. The north branch of the Pawtuxet Valley. (In N. H. R. 6:122-135.)

*West Greenwich.*

Huling, R. G. Early owners of land in W. Greenwich. (In N. H. R., 3:1-5.)

*Westerly.*

Barber, T. The settlement of Westerly. (In N. H. R., 1:125-127; 2:34-40.)

Denison, F. Westerly and its witnesses, 1878. 314p.

Rider, S. S. Kedinker Island, 1897. (In Bk. Notes, 14:49-50.)



Wheeler, R. A. Hist. sketch of Stonington and Westerly, 1886. 4p.

See also *Narragansett Country*.

*Woonsocket.*

Chace, E. B. Old Quaker days in R. I., 1897. (In N. E. Mag. n. s., 16:655-663.)

Man, T. A picture of Woonsocket, 1835. 108p.

Newman, S. C. A numbering of the inhabitants, with other information of Woonsocket, 1846. 55p.

Richardson, E. History of Woonsocket, 1876. 264p.

Rider, S. S. Origin of the name Woonsocket, 1895. (In Bk. Notes, 12:228-233.)

An account of the public records of the various towns can be found in A. Perry's article on "The Town records of R. I.", in R. I. H. S. Publ. n. s., 1:100-182. There is an excellent statistical account of the different towns in p. 1-68 of Mr. Perry's 1885 R. I. census. The history of those towns, like Warren, Tiverton, etc., which were ceded by Mass., should also be sought for in the histories of that state.

#### 24. BIOGRAPHY—COLLECTIVE.

Arnold, J. N. Vital record of R. I. 12v. in 10. 1891-1901.

Austin, J. O. Ancestral dictionary, 1891. 74p.

Austin, J. O. Ancestry of 33 Rhode Islanders, 1889. 139p. (P. 129-137 contain a list of 180 existing portraits of R. I. governors, chief-justices, merchants, etc., of R. I. In the R. I. Hist. Soc. are three volumes, called "R. I. Portraits," which contain photographs of these 180 portraits.)

Austin, J. O. Genealogical dictionary of R. I., 1887. 443p.

Austin, J. O. 160 allied families, 1893. 288p.

Biographical cyclopedia of representative men of R. I. 1881. 2v.

Farmer, J. First settlers of R. I., 1847. (In N. E. Hist. and Gen. Reg. 1:291.)

Foster, W. E. Some R. I. contributors to the intellectual life of the last century. (In Am. Antiq. Soc. Proc. 1892-93, p. 103-132.)

Frazier, H. M. ed. Club, bench, bar and professional life of R. I., 1896. 2v.

Herndon, R. ed. Men of progress, 1896. 282p.

Koopman, H. L. ed. Hist. catalogue of Brown University, 1895. 460p.

Palmer, F. P. ed. A list of R. I. literary women, 1726-1892. 1893. 24p.

Parsons, C. W. Early votaries of natural science in R. I., 1885. (In R. I. H. S. Coll. 7:239-263.)

Parsons, U. Sketches of R. I. physicians deceased prior to 1850, 1859. 64p.

Payne, A. Reminiscences of the R. I. bar, 1885. 277p.

Peirce, E. W. ed. Colonial lists; civil, military and professional lists of Plymouth and R. I., 1621-1700. 1881. 156p.

R. I. Biographies, 1897. (In Davis's N. E. States, 4:2571-2589.)

Smith, J. J. Civil and military lists of R. I., 1647-1800. 1900. 659p.

Stone, E. M. ed. Mechanics' festival: 71st anniversary of Prov. Assoc. of Mechanics and Manufacturers, 1860. 119p.

Updike, W. Memoirs of the R. I. bar, 1842. 311p.

The obituary notices of the R. I. Hist. Soc'y, the R. I. Soc'y for Encouragement of Domestic Industry (published in their annual proceedings), of Brown University (printed in the Prov. Journal), etc., contain biographical data. Bayle's "Newport Co." and "Providence Co." and Cole's "Washington and Kent Counties," contain biographical material arranged by towns.

#### 25. BIOGRAPHY—INDIVIDUAL.

Only those biographies which have historical importance are included in this list.

*Arnold, Benedict.*

Arnold, J. N. The life and times of Benedict Arnold, 1901. [12p.]

*Barton, William.*

Diman, J. L. The capture of Prescott by Barton, 1877. (R. I. Hist. Tract, v. 1, 65p.)

Williams, C. R. Lives of Barton and Olney, 1839. 312p.

*Burges, Tristram.*

Bowen, H. L. Memoir of T. Burges, 1835. 404p.

*Clarke, John.*

Barrows, C. W. Dr. John Clarke, 1872. (In Bapt. Quar. 6:483-502.)

Clarke, J. C. C. John Clarke, the pioneer Baptist statesman, 1876. (In Bapt. Quar. 10:180-204, 257-281.)

Sheffield, W. P. John Clarke, 1889. (In Jour. of Am. Med. Assoc. Aug. 24, 1889. Also reprinted separately, 16p.)

*Coddington, William.*

Adams, C. F. The Coddington School Lands, 1891. (In Mag. of N. E. Hist., 1:228-238. Reprinted from Quincy Patriot.)

King, D. W. Coddington. (In N. E. Hist. and Geneal. Reg. 28:13-16; 36:138-143.)

Turner, H. E. W. Coddington in R. I. colonial affairs, 1878. (R. I. Hist. Tract, v. 4, 60p.)

*Dyer, Mary.*

Rider, S. S. The petition of William Dyer for the life of Mary Dyer, 1888. (In Bk. Notes, 5:101-103.)

Rogers, H. Mary Dyer of R. I., 1896. 115p.

Watson, H. C. Mary Dyre, 1853. (In Heroic women of history, p. 84.)

*Ellery, William.*

Channing, E. T. Life of W. Ellery. (In Sparks Lib. Am. Biog. 6:85-159.)

Ellery, H. C. Diary of W. Ellery, 1777-1778, 1887-88. (In Penn. Mag. 11:318, 476; 12:190.)

Goodrich, C. A. W. Ellery, 1829. (In his Lives of the Signers, 153-157.)

Higginson, T. W. W. Ellery, 1878. (In Penn. Mag. 2:433-435.)

Higginson, T. W. Journal of Ellery's journey to Congress, 1777-78, 1880. (In Scrib. Mo. 19:412-418. Also in his Travellers and Outlaws, p. 57-87.)

Muzzey, A. B. W. Ellery, 1883. (In his Reminiscences and Memorials, p. 157-168.)

Sanderson, J. W. Ellery, 1827. (In his Biog. of the Signers, 9:237-283.)

*Gorton, Samuel.*

Brayton, G. A. A defense of S. Gorton and the settlers of Shawomet, 1883. (R. I. Hist. Tract, v. 17, 120p.)

Deane, C. Some notices of S. Gorton, 1850. 41p. (Reprinted from N. E. Hist. and Geneal. Reg. 4:201-221.)

Janes, L. G. S. Gorton, 1896. 141p.

Janes, L. G. S. Gorton in R. I., 1898. (In N. E. Mag. n. s., 18:287-305.)

Mackie, J. M. S. Gorton, 1848. (In Sparks Lib. Am. Biog. 2 ser. 5:315-411.)

Rider, S. S. Examination of Fiske concerning Gorton, 1889. (In Bk. Notes, 6:164-168.)

Sheffield, W. P. S. Gorton. (Reprinted from Nat. Mag. 1893-94, p. 34-62.)

Who wrote Mr. Samuel Gorton's ghost? (In R. I. H. S. Publ. n. s., 6:95-99.)

*Greene, Nathanael.*

Anthony, H. B. Remarks on presentation of statue of Greene, 1872. 8p. (Also in his Memorial addresses, 1875, p. 13.)

Ashmore, O. Gen. Greene's new birthday, 1899. 3p.

Caldwell, C. Memoirs of N. Greene, 1819. 452p. (See also N. A. Rev. 10:183.)

Calendar of the correspondence of Gen. Greene, 1900. (In Am. Philos. Soc. Proc. 39:154-344. Also in "Calendar of correspondence relating to Rev. in lib'y of Am. Philos. Soc.," 1900. p. 53-243.)

Carey, M. Sketch of the life of the late Gen. Greene, 1790. (In Carey's Am. Museum, 7:39, 107, 210.)

- Coleman, C. W. Southern campaign of Gen. Greene; letters of Pierce to Tucker, 1881. (In *Mag. Am. Hist.* 7:431-445.)
- Cowell, B. Oration before the Greene Assoc., 1814. 19p.
- Duyckinck, E. A. N. Greene, 1867. (In his *Nat. Portrait Gallery*, 1:196.)
- Gardiner, A. B. The discovery of the remains of General Greene, 1901. 30p.
- Glazier, W. N. Greene, 1882. (In *Heroes of three wars*, p. 54.)
- Greene, F. V. General Greene, 1893. 332p.
- Greene, G. W. Examination of statements concerning Greene in Bancroft's "U. S.," 1866. 86p. (See also *Hist. Mag.* 11:124; 12:78; *N. A. Rev.* 104:662; 105:332.)
- Greene, G. W. Life of N. Greene, 1846. 403p. (In *Sparks's Lib. Am. Biog.* 2 ser. v. 10.)
- Greene, G. W. Life of N. Greene, 3v. 1867-71. (See also *N. A. Rev.* 106:689; 113:441; *Nation*, 12:323, 450.)
- Greene, G. W. Major-Gen. Greene, 1878. (In *Penn. Mag.* 2:84-91.)
- Greene, G. W. Selections from the papers of N. Greene, 1867. (In *Dawson Hist. Mag.*, 12:131-134; 13:24-26, 160-162.)
- Greene, M. A. Gen. Greene, 1898. (In *N. E. Mag. n. s.*, 17:558-570.)
- Greene, N. 4848. (In *Lives of the Heroes of the Revolution*, p. 27-75.)
- Griswold, R. W. N. Greene, 1847. (In his "Washington and the generals of the Revolution," v. 1.)
- Hamilton, A. Eulogium on Greene, July 4, 1789. (In his *Works*, 2:480-495, Lodge's ed., 7:23- .)
- Headley, J. T. N. Greene, 1847. (In *Washington and his generals*, 2:7-77.)
- Headley, J. T. Greene's retreat from Carolina, 1847. (In *Am. Lit. Mag.* 1:21.)
- Hillhouse, W. Oration in commemoration of N. Greene, 1787. (In *Carey's Am. Museum*, 2:337-343.)
- Jameson, J. F. The papers of N. Greene. (In *R. I. H. S. Publ. n. s.*, 3:159-167.)
- Johnson, W. Sketches of N. Greene, 1822. 2v. (See also *U. S. Mag. and Lib. Repos.* for 1823, p. 3-23; *N. A. Rev.* 15:416; and H. Lee's "Campaign of 1781, with remarks on Johnson's life of Greene," 1824.)
- Jones, C. C. Sepulture of Greene and Pulaski, 1885. 14p. (See also *Mag. Am. Hist.* 16:297, *Dawson Hist. Mag.* 3:369.)
- Letters from N. Greene to Thomas Sumter, 1780-83. 1899. (In *Charleston yearbook* for 1899, app'x. 71-135. See also *S. C. Hist. and Gen. Mag.* 1:343.)
- Longacre and Herring. N. Greene, 1837. (In *Nat. Portrait Gallery*, v. 1, 10p.)
- Memoir of N. Greene, 1820. (In *Western Rev.* 1:270.)
- Phillips, M. L. Recoll. of Washington and his friends as preserved in the family of Gen. Greene, 1898. (In *Cent. Mag.* 55:363-374.)
- Presentation of statue of Greene by the State of R. I., 1870. 8p.
- Proceedings of Congress attending reception of statue of Greene, 1870. 41p.
- Simms, W. G. Life of N. Greene, 1849. 393p. 1858. 1861. 393p.
- Sketch of the life of the late N. Greene, 1786. (In *Columbian Mag.* Sept.-Oct. 1786.)
- Stoddard, R. H. N. Greene, 1857. (In *Nat. Mag.*, 12:391.)
- Washington-Greene correspondence, 1901-02. (In *N. E. Mag. n. s.* 25-26.)
- Wilson, J. N. Greene, 1817. (In *Biog. of Am. Heroes*, v. 1.)
- In the *Narr. and Crit. Hist. of the U. S.*, 6:509-511, the editor summarizes the biographies of Greene, and gives a list of Greene portraits. (See also list in *Prov. Jour.*, Dec. 17, 1870.)
- Harris, William.*
- Harris, R. ed. Some W. Harris memoranda, [1896]. 7p. (See also *Bk. Notes*, 13:265.)
- Munro, W. H. Notes on W. Harris. (In *R. I. H. S. Publ. n. s.*, 1:214-229.)



*Hopkins, Esck.*

Field, E. E. Hopkins, 1898. 280p. (See also Bk. Notes, 17:105, 113, 121, 145.)

Grieve, R. E. Hopkins, 1897. (In N. E. Mag. n. s., 17:346-362.)

*Hopkins, Stephen.*

Foster, W. E. S. Hopkins, a R. I. statesman, 1884. (R. I. Hist. Tract, v. 19, 2 pts. See also Nation, 39:117.)

Goodrich, C. A. S. Hopkins, 1829. (In his Lives of the Signers, 149-153.)

Huling, R. G. The Hopkins-Ward letters of 1757. (In N. H. R. 3:257; 4:40, 143.)

Sanderson, J. S. Hopkins. 1823. (In his Biog. of the Signers, 6:223-260.)

*Howland, John.*

Hall, E. B. Discourse on life and times of J. Howland, 1855. 36p.

Stone, E. M. Life and recollections of J. Howland, 1857. 348p.

*Olney, Stephen.*

Williams, C. R. Lives of Barton and Olney, 1839. 312p.

*Perry, Oliver H.*

Bailey, I. Memoirs of Comm. Perry, 1815. (In his Am. Naval Biog., p. 224-230.)

Biog. memoir of Comm. Perry, 1813. (In Analectic Mag. 2:494-510.)

Cooper, J. F. Memoir of Perry, 1846. (In Lives of Am. Naval officers, 2:146.)

Duyckinck, E. A. O. H. Perry, 1867. (In his Nat. portrait gallery, 2:63.)

Dwyer, C. P. Memoir of Comm. Perry, 1860. 32p.

Inauguration of the Perry statue at Cleveland, 1861. 128p.

Inauguration of the Perry statue at Newport, 1885. 60p.

Irving, W. O. H. Perry, 1869. (In Biographies and Miscellanies, p. 70.)

Irving, W. O. H. Perry, 1866. (In Spanish Papers, 2:70.)

Life of Comm. Perry, 1814. (In Portfolio, 3 ser. 3:204-219.)

Lippitt, C. W. Oration on Perry's victory day, 1896. 28p.

Longacre and Herring. O. H. Perry, 1837. (In Nat. portrait gallery, v. 2, 6p.)

Mackenzie, A. S. Life of Perry, 1840. 2v. (Other editions vary only in date.)

Muzzey, A. B. O. H. Perry, 1883. (In his Reminiscences and Memorials, p. 260-268.)

Niles, J. M. Life of Perry, 1820. 376p. 2 ed. 1821. 384p.

Ridpath, J. C. Perry's victory at Lake Erie, 1892. (In Chautauquan, 15:135.)

Seawell, M. E. O. H. Perry, 1897. (In Twelve Naval Captains, p. 182-191.)

Sheffield, W. P. The hero of Lake Erie, 1885. (In Bay State Mo., 3:321-328.)

Tuckerman, H. T. The hero of Lake Erie, 1853. (In Harp. Mag. 8:76-77. Also in his Sheaf of Verse, 1864, p. 33-36.)

Wilson, T. O. H. Perry, 1819. (In Biog. of Am. heroes, v. 2.)

For the abundant literature of the Perry-Elliott controversy, see Winsor, Narr. and Crit. Hist., 6:432, and Bartlett's Bibliog. of R. I., p. 202.)

*Slater, Samuel.*

Bagnall, W. R. S. Slater and the early development of cotton manufacture, 1890. 70p.

White, G. S. Memoir of S. Slater, and history of manufactures, 1836. 448p.

*Talbot, Silas.*

An historical sketch of the life of Silas Talbot, 1803. 147p.

Life and surprising adventures of Captain Talbot, n. d. 147p.

Root, J. P. Capt. Silas Talbot. (In Newport Mercury, Oct. 19, 1878.)

Tuckerman, H. T. Life of S. Talbot, 1850. 137p.

*Ward, Samuel (Gov.).*

Denison, C. H. Memoir of S. Ward. (In Narr. Weekly, July 21-Sept. 29, 1859.)

Gammell, W. Life of S. Ward. (In Sparks's Lib. Am. Biog., v. 19.)

- Ward, J. Diary of S. Ward, 1774-76, 1877. (In *Mag. Am. Hist.*, 1:438, 503, 549.)
- Ward, J. Life and services of S. Ward, 1877. 12p.
- Ward, Samuel (*Lieut.-Col.*)  
Biog. notice of S. Ward, 1833. (In *Am. Annual Reg.* 7:405-408.)
- Stone, E. M. Sketch of S. Ward, 1867. (In *R. I. H. S. Coll.* 6:83-88.)
- Ward, J. Memoir of S. Ward, 1875. 20p.
- Whipple, Abraham.  
Fisher, D. A. Whipple, 1888. (In *Ohio Arch. and Hist. Soc. Publ.* 2:180-186.)
- Hildreth, S. P. Pioneer settlers of Ohio, 1852. 539p. (p. 120-164 relate to Whipple.)
- Williams, Roger.  
Allen, R. W. R. Williams, 1852. (In *Meth. Quar.* 12:199-212.)
- Allen, W. F. The case of R. Williams, 1891. (In *Unit. Rev.* 35:20-33.)
- Allen, Z. Memorial of R. Williams, 1860. 10p.
- Banning, H. E. The story of R. Williams retold, 1890. (In *Mag. Am. Hist.*, 24:312-318.)
- Brigham, C. S. R. Williams's wife. (In *R. I. H. S. Publ. n. s.*, 8:67-68.)
- Brigham, C. S. Ten letters of R. Williams, 1654-1678. (In *R. I. H. S. Publ. n. s.* 8:141-161.)
- Bronson, B. F. R. Williams and Palfrey, 1872. (In *Bapt. Quar.* 6:156-166.)
- Burrage, H. S. Why was R. Williams banished, 1901. (In *Am. Jour. of Theology*, 5:1-17. Also printed separately.)
- Caldwell, S. L. R. Williams as an author, 1872. (In *Bapt. Quar.* 6:385-407; also in his "Cities of Our Faith," p. 212-241.)
- Dean, J. W. Early statements relative to early life of R. Williams, 1896. (In *N. E. Hist. and Geneal. Reg.* 50:169-171.)
- Dexter, H. M. As to R. Williams, 1876. 146p. (See also *N. A. Rev.* 123:474, *New Englander*, 36:11, *Bapt. Quar.* 10:353, *Nation*, 29:436.)
- Diman, J. L. Address at the unvelving of the monument to R. Williams, 1877. (In his "Orations and essays," 1882, p. 108-138.)
- Durfee, J. Whatcheer, or R. Williams in banishment; a poem, 1832. 200p. (Also in his *Works*, 1849, p. 1-178.)
- Elton, R. Life of R. Williams, 1853. 173p. (See also *N. Y. Quar.* 2:135.)
- Foster, J. R. Williams in banishment, 1838. (In *Eclectic Rev.* 68:22.)
- Gammell, W. Life of R. Williams, 1845. 221p. (Also in *Sparks Lib. of Am. Biog. n. s.*, v. 4. See also *Chr. Rev.* 10:256, *N. A. Rev.* 61:1.)
- Guild, R. A. An account of the writings of R. Williams, n. d. 11p.
- Guild, R. A. A biog. introd. to the writings of R. Williams. (In *Narr. Club Publ.* v. 1.)
- Guild, R. A. Footprints of R. Williams, 1886. 48p. (See also *Bk. Notes*, 4:9, 13, 25.)
- Guild, R. A. R. Williams, the pioneer missionary. (In *Bapt. Home Mission Mo.* v. 14, 16p.)
- Hodges, A. D. Notes concerning R. Williams, 1899. (In *N. E. Hist. and Geneal. Reg.*, 53:60-64.)
- Howland, J. A. The date of passing the sentence of banishment on R. Williams. (In *R. I. H. S. Proc.*, 1886-87, p. 52-59.)
- Johnson, L. D. The spirit of R. Williams, 1839. 94p.
- King, H. M. The baptism of R. Williams, 1897. 145p.
- Knowles, J. D. Memoir of R. Williams, 1834. 437p. (See also *Chr. Exam.* 16:72.)
- Lowndes, G. A. Letters of R. Williams to Lady Barrington, 1889. (In *N. E. Hist. and Geneal. Reg.* 43:315-320.)
- Matthews, A. R. Williams and Sir Thomas Urquhart, 1900. (In *Nation*, 70:435-436.)
- Merriman, T. M. The Pilgrims, Puritans and R. Williams vindicated, 1892. 312p.
- Mudge, Z. A. Footprints of R. Williams, 1871. 285p.

- Narragansett Club Publications, 1866-74. 6v.
- Newman, A. H. R. Williams, 1892. (In *Mag. Chr. Lit.* 5:271.)
- Proceedings in Congress attending the reception of the statue of R. Williams, 1872. 31p.
- Purnell, T. R. Williams, 1867. (In his "Literature and its professors," p. 164.)
- Rae, W. F. Founders of N. E., R. Williams, 1881. (In *Good Words*, 22:786-792.)
- Rae, W. F. R. Williams, 1882. (In *Potter's Am. Mo.*, 18:209-215.)
- Rider, S. S. The alleged baptism of R. Williams by Holliman, 1896. (In *Bk. Notes*, 13:121-125.)
- Rider, S. S. An inquiry concerning an alleged portrait of R. Williams, 1891. (In *R. I. Hist. Tract*, v. 22, 31p.)
- Rider, S. S. The land transaction between R. Williams and G. Bernon, 1888. (In *Bk. Notes*, 5:29.)
- Rider, S. S. The political results of the banishment of Williams, 1891. (In *Bk. Notes*, 8:129-133.)
- Rider, S. S. The repeal of the decree of banishment of R. Williams in 1676, 1894. (In *Bk. Notes*, 11:217-219.)
- Rider, S. S. The wife of R. Williams, 1886. (In *Bk. Notes*, 3:131.)
- Scott, M. B. R. Williams not the author of the first recorded agreement in R. I. securing liberty of conscience, 1869. (In *Dawson Hist. Mag.* 16:226-228.)
- Secombe, T. R. Williams, 1900. (In *Lee's Dict. of Nat. Biog.*, 61:445-450. Contains a brief biog. of R. Williams.)
- Seymour, C. C. B. R. Williams, 1858. (In his "Self-made men," p. 275.)
- Stone, T. T. R. Williams, the prophetic legislator, 1872. 16p.
- Straus, O. S. R. Williams, 1894. 257p. (See also *Bk. Notes*, 11:145; *Nation*, 59:35.)
- Tuckerman, H. T. R. Williams, 1857. (In his "Essays," p. 181.)
- Waters, H. F. Ancestry of R. Williams in England, 1889. (In *N. E. Hist. and Geneal. Reg.* 43:294-303. See also *Bk. Notes*, 6:176.)
- Winsor, J. Bibliog. note on R. Williams, 1881. (In *Mem. Hist. of Boston*, 1:172.)



# Index

- Abbott, Daniel, sheriff, 454  
     Thomas, 623
- Ackley, Rev. W. N., 518
- Act distributing United States surplus,  
     1836, 299  
         for disposal of murderer and suicide,  
             1707, 156  
         of incorporation of five towns, 62  
         of insolvency of 1756, 218  
         of repudiation by Congress, 1780, 222  
         to prevent hasty expression of opin-  
         ion, 155
- Accumulated bank earnings, 296
- Adelphi lodge, No. 33, F. & A. M., Provi-  
     dence, charter of, 523
- Adultery, punishment of, 435, 446
- Agreement for civil government, the first,  
     89-90  
         to form union, 20
- Agriculture, relative advantages of, 274  
     the first industry, 325
- Aldrich, John, master mason, 502  
     Moses, master mason, 505  
     Russell, 40
- Allen, Philip, 288  
     Zachariah, broadcloth factory built  
         by, 1822, 362
- Alexander and Martha, the schooner, 579
- Almanac, an old, 576
- Almshouse, bill of fare in, 402  
     erection of, on Coaster's island, 402  
     the first in Newport, 212  
     management of the first, 401  
     erection of new, 411  
     the first in Rhode Island, 1723, 401  
     the State, plans for, 410; site for,  
     411
- Almy, Brown & Slater, 346
- Almy, Brown & Slaters, firm of, 347
- Almy & Brown, 345  
     engagement of Slater by, 341  
     manufacturing operations of, 339-41  
     record of goods made by, 342
- American bank, the case of, 248
- American ship windlass company, the, 376
- American templary, origin of distinctive  
     character of, 524-5
- Ames, Samuel, Chief Justice, opinion of, in  
     Dorr case, 114-15; 165
- Amity lodge No. 6, I. O. O. F., Warren, 546
- Anawan encampment No. 13, I. O. O. F.,  
     Providence, 551-2
- Anchor lodge No. 46, I. O. O. F., Providence,  
     550
- Ancient Accepted Scottish Rite, 540-41  
     craft of masonry, degrees of defined,  
     526
- Angell, Capt. John, 594  
     Joseph K., 162
- Anniversary of St. John's lodge, celebration  
     of, in Providence, 518
- Antagonism between urban and rural dis-  
     tricts, 210
- Anthony, cotton mill built at village of, 347  
     Daniel, 339  
     lodge No. 21, I. O. O. F., Anthony,  
     548  
     Richard, 347, 505  
     William, 347
- Anti-masonry, paper published in support  
     of, 511  
         political features of, 508  
         political results of, 514  
         politicians active in, 511-12  
         rapid decline of, 514
- Anti-masonic convention, the, 509  
     party, alliance with the Whigs, 509;  
         birth of the, 508; convention of  
         the, 1833, 512; early strength of,  
         508-9; nominations of, in Rhode  
         Island, 509; nominations of the,  
         1832, 512  
     period, capitular masonry during the,  
         529; the commandary in, 537-39  
     ticket, success of, 512  
     Rhode Islander, the, 509

- Antinomians, coming of, to Providence, 5  
 settlement of, at Aquidneck, 5  
 Apprentice, list of clothing of, 587  
 Apprentices, bound out in early life, 586  
 indentures of, 586-7  
 Aquidneck chapter No. 9, F. A. & M., Portsmouth, 530  
 charter for, 11  
 encampment No. 5, I. O. O. F., Newport, 551  
 Arcade bank, agreement with, by Secretary Taney, 297  
 Arms, small, making of, in North Providence, 331  
 Arnold, Caleb, tavern of, 645  
 Capt. Thomas, 624  
 Eleazer, license of, to sell liquor, 598;  
 site and description of homestead of, 598-600; tavern of, 598  
 Gov. Benedict, 183  
 Josias, 192  
 Lemuel H., 301  
 Martin, 601  
 Oliver, 140  
 Peleg, public services of, 647  
 Sabra, 601  
 Welcome, 266  
 William, 563  
 Artisans, early lack of skilled, 343  
 Ashton, James, 605  
 Assembly, abuse of, punished, 159; act of, relating to asylums and almshouses, 409-10; agreement made by, at Portsmouth, 20; and court at issue, 114; ceases to be ex-officio the court, 118; character of appeals to, 111; continued action of, in judicial matters, 111; emission of bank notes by, 226; difference between appeals and petitions to, 101; equitable jurisdiction of, 99; exercise of power as court of original jurisdiction and court of review, 112; first appeals from, 100; meeting of, at Portsmouth, 20; powers of, as defined in the constitution, 122; powers of, to grant new trials, 122-3; prejudgment of case by, 100; reversal of Thomas W. Dorr's sentence by, 112-113  
 Assessment, methods of, 238; of trading stock, difficulty of, 236; of woodland, 236  
 Assessors' valuations the basis of state apportionment, 235  
 Assistants, functions of, under charter of 1663, 24  
 Asylum for insane, plans to provide an, 412  
 the Dexter, 406-07  
 Atlantic lodge No. 31, F. & A. M., New Shoreham, charter of, 523  
 Attorneys, regulations for admission to plead, 99  
 Atwell, Amos M., master mason, 502  
 S. Y., 300  
 Auctioneers, duty paid by, 240  
 Austin, William, weaver, 337  
 Awashonks encampment No. 13, I. O. O. F., Little Compton, 552  
 Babcock, Col. Henry, military services of, 632-3  
 Dr. Joshua, 631, 632  
 James, 584  
 Baker, Edwin, 519  
 house and Burr's tavern, the, 633-4  
 Joseph, master mason, 525  
 Balance of trade, 289  
 Balcom, Alexander, 584  
 Ballou, Andrew K., master mason, 522  
 Ariel, 516  
 Frederick M., 519  
 Bank act passed 1837, 304  
 bill denominations payable out of the State, 281  
 bills, average local life of, 285  
 capital, character of 1800-1860, 296;  
 in Rhode Island, 283; increase of, 1833-35, 299; in 1857-8, 309-10;  
 reduction of 1890-1901, 318  
 charters, changes in, 299; characteristics of, after 1800, 263; claims that they would stimulate business, 295; fears of too many, 276; grant of, for personal gain, 282; how forfeited, 302; in Rhode Island, features of, 273; number of, in 1837, 296; issue of, just before 1826, 292; not always obeyed, 278; renewed activity in, in 1850, 308; restrictive features of, 278  
 circulation doubled, 1861-64, 313;  
 1864, 312; increase of, 284; limited to amount of paid up capital, 292; small volume of, 284  
 commissioners' act, repeal of, 1842, 305  
 consolidation, movement for, 317  
 debts, amount of limited, 281  
 deposits of 1890-1900, 316  
 directors, escape of, 280; vote themselves bills, 279; vote to appropriate assets, 279  
 directorships, restricted to one bank, 277  
 earnings, accumulation of, 296  
 first private established, 1686, 200  
 indebtedness and circulation, limits of, 283  
 law of 1837, features of, 304; violation of, 303  
 legislation of 1827, 295-6  
 meeting to promote the first, 262  
 notes, emission of £100,000, 226; individual subscriptions to, 216; issue of £40,000 authorized, 202; sent out of the state, 308

- Bank of Commerce, the, 276; charter of 1851, 308  
 of Rhode Island and Providence Plantations, 261  
 of Rhode Island, charter of, 1795, 271  
 of Rhode Island in Newport, 1795, 266  
 paper discounted, character of, 287  
 process act, amendment of, 290; becomes an anomaly, 271; features of, 264; its purposes, 268; no provision for ten days' grace in, 266; origin and characteristics, 270-71; peculiar to Rhode Island, 264; power a charter right, 291; power not in charters before 1818, 291; power, regret over its existence, 295; power, revival of, 1823, 291; sentiments towards, 269-70  
 project, revival of, 1791, 262  
 reports, made to State auditor, 309; new form of, 1843, 307  
 returns, required annually, 307; 1835, 301  
 shareholders, how situated after 1812, 277  
 stock of the first, 263
- Banking and manufacturing interests, close association of, 296  
 capital, absorption of, by Rhode Island, 289  
 development, 1840-1865, 307  
 features, 1865-70, 312-13  
 first period of, 1791-1809, 261  
 in New England, comparison of States, 282  
 institutions, concentration of, 286  
 laws, 291; restrictive features of, 292; passage of, 1850-58, 309  
 methods of 1826, evils of, 293; investigation of, 1836, 299  
 principles, early ideas regarding, 267  
 systems for needs of farmers, 273
- Banks, adaptation of, to business needs, 283  
 and insurance companies, law regarding, 276, 280; relations of, 275-6  
 association of, with industries, 260  
 chartered down to 1809, 271; chartered 1850-57, 308  
 comparative statistics of, 283  
 compelled to be honest, 286  
 condition of 1809, 281; 1858, 309  
 first official report of thirteen, 1809, 281  
 founding of, without required capital, 278  
 increase of State supervision over, 282  
 in Rhode Island, capitalization of, 1826, 293
- Banks, loose management of, 278  
 number of, in seaport towns, 276  
 organized to take corporate obligations, 308  
 purchase of U. S. bonds by, 1812, 277  
 rapid success of, 290  
 reasons for additional, 273  
 restrictive features in charters of, 278  
 retirement of, 1890-1901, 317  
 stockholders' liability in, 290  
 suspension of, 1814, 284  
 taxes on, 242-3  
 ten charters granted, 290  
 unfavorable feeling toward, 300  
 unlimited power of, to loan, 294
- Barney Merry lodge No. 29, F. & A. M., charter of, 523
- Barrington, incorporation of, 64
- Barstow stove company, the, 376
- Bartlett, David, 374
- Barton's capture of Prescott, 646
- Beacon lodge No. 38, I. O. O. F., Wickford, 549
- Beaver skins, prices of, 199
- Beaver Tail lighthouse, 230
- Beers, Benjamin, some of the tools of, 591
- Bell, Henry, letter from, 495
- Bench and bar of Rhode Island, deceased members of, 167
- Bennett, Sam, town sergeant, 621
- Bick, James, case of appeal for relief, 393
- Bill of rights, spirit of, 95  
 to emit bank notes, 1751, opposition to, 217
- Bills, burning of, 227  
 issue of large, 285  
 issue of, to withdraw counterfeit, 205  
 issue of, 1775, 220
- Bills of credit, alleged cause of depreciation of, 216; feeble efforts to redeem, 215; issued, 1744-1748, 214; issue of 1751, 216; issue of, by Congress, 1775, 220; issue of new, 1780, 222; made legal tender, 1775, 220; old tenor, 213; original issues, 1710 to 1739, 205; redemption of, by taxation, 215; typical issues of, 203-04; features of, 1780, 222-3
- Births, marriages and deaths not recorded, 576
- Bissell, Samuel, blacksmith, loan to 1721, 205
- Blacksmiths, the early, 330
- Blackstone canal, the, 297  
 canal bank, the, 297  
 encampment No. 15, I. O. O. F., Pawtucket, 552  
 river, land purchases on, 347  
 river privileges, inspection of, 346
- Blake, Joseph M., 145-6
- Blanding, William B., 516



- Bliss, George N., master mason, 523
- Block Island, declared under care of the colony, 31  
     early government control in, 29  
     empowered to call inhabitants together, 31  
     extensive privileges granted to, 32  
     garrison, cost of, 1708, 196  
     incorporation of, 55-6  
     inhabitants admitted to, 32  
     local court established on, 97
- Block Islanders, condition of, 32
- Board of Health, town councils act as, 26
- Board of State charities and corrections, 410, 473; agent of, 414; character of, 412; functions of, 414; office of secretary of, 413
- Bolles, Rev. Edwin C., D. D., 521
- Bonds, issue of, 260
- Boots and shoes, manufacture of, 383
- Borden, Capt. Benjamin, escape of, from punishment, 642-3  
     William, 329  
     William, bounty to, on duck, 205
- Boston, claim of, to precedence in free masonry, 494
- Bounties on flax culture, 369  
     on industries, 205
- Bounty system, failure of, 211  
     act of 1733, 211
- Bourn, Philip B., 516
- Bowen, Ezekiel, 338  
     Henry, account book of, 573  
     Jabez, 261, 500  
     Joseph, master mason, 502
- Bradley, Charles S., 165
- Brass founding, 385
- Brayton, George A., 166
- Breweries, the first in Providence, 384
- Brewing business, the, 384
- Brick, first mention of in Providence, 588  
     making in Providence, 330
- Bridge at Weybosset, repair of, 1664, 588-90  
     built at Weybosset, 214  
     repairs, paid for in grain, 590
- Briggs, John, affidavit of, 151
- Bristol bank, government deposits in, 277  
     bank of, charter of, 1800, 271  
     banks, inglorious experience of, 294  
     Commercial bank, the, 277  
     county, jails in, 455  
     comparison of bank of, with others, 1821, 294  
     incorporation of, 62  
     insurance company, the, 276  
     marine insurance in, 274  
     shipbuilding in, 328
- Broadcloth, early price of, 362  
     first made in the country, 360  
     manufactured in Providence, 360
- Brown, Daniel, 622
- Brown, Elisha, 634  
     David, 376  
     James S., 373  
     John, 261, 276  
     John S., 331  
     Joseph, 331, 376  
     Moses, 262, 276, 339  
     Moses, letter from on manufactures, 1791, 332-4  
     Nicholas, 266, 638, 419  
     Obadiah, some of his tools, 591  
     Philip, 331  
     Sylvanus, 341  
     university, relation of, to exemption, 245  
     & Francis, 262  
     & Ives, 328  
     & Sharpe company, the, 376
- Brownell, Nathan, 642
- Builder, an early, 583
- Building, contract for house, 1743, 592-3  
     cost of in early years, 591
- Bull, Henry, 139, 601  
     house, the, 601-03  
     Isaac, tools of, 591  
     Jireh, 601; house of attacked by Indians, 601
- Bull's gap, Newport, 601
- Bullard, Rebecca, an unmarried mother, 396
- Burges, John, master of St. John's lodge, 497  
     Tristram, 144, 162; advocate of protection, 353
- Burglary, punishment of by death, 438  
     the first recorded, 430
- Burial ground, lot for, 70
- Burnside Memorial hall, Bristol, 519
- Burr, Ezekiel, 378
- Burrill, Hon. James, 162, 351
- Burrillville bank, the, 290  
     early forges and furnaces in, 373  
     incorporation of, 65
- Butler, Hon. Cyrus, gift of, to the R. I. hospital for insane, 418  
     hospital for insane, 419-421
- Cage, order to build in Warwick, 1663, 450
- Calendering goods, machine for, 341  
     in Providence, 1790, 345
- Calico printing, beginning of, 343  
     in Providence, 1794, 344
- Calvary commandery, F. & A. M., charter of, 540
- Cannon, manufacture of, 1745, 331  
     making in Rhode Island, 370  
     manufacture of, at Hope furnace, 331, 371  
     manufacture of, in war of 1812, 371
- Canonicus lodge No. 9, I. O. O. F., Providence, 546
- Capital, attraction of, to South America and Mexico, 292

- Capital, changes in the form of, 292  
 crimes, number of, reduced, 437  
 punishment abolished, 1852, 444  
 stock, excess of, 296; increase of tax  
 on, 303; laws concerning, 302
- Capitular masonry, 526; degrees in, 526;  
 distinctive features of, 531; revival of,  
 529-30
- Carding machine, manufacture of, in Providence, 339
- Care of the sick, early, 393
- Carey, Matthew, letter to, 279-80
- Carlile, John, 500
- Carpenter, Gen. Thomas F., 143  
 Joseph, 560  
 Thomas, O. H., master mason, 506  
 William, 560, 583; inventory of estate of, 583; tools of, 1685, 592.
- Carpenters, wages of, 591  
 importance of, in early times, 582-3
- Carr, Caleb, 54
- Carter, Thomas, 632; trial of, 147  
 & Wilkinson, 626
- Case, Dr. Benjamin W., 509
- Case, prejudgment of, by the Assembly, 100
- Cattle, pasturage and protection of, 563  
 pioneer marking of, 566  
 stray, how treated, 567-8
- Central Falls, edge tool manufacture at, 374  
 incorporation of, as a city, 67, 83
- Chace, James H., 297  
 Jonathan, 297
- Champlin, Christopher, grand master mason, 500
- Chapter of R. M. of H. R. D. M., Newport, 542
- Characteristics of early settlers, 557
- Charging the jury, instructions for, 127
- Charity lodge No. 23, F. & A. M., Hope Valley, charter of, 522
- Charlestown, set off from Westerly, 51
- Charter, appeal to England for, 11  
 code of laws under the first, 432  
 confirmation of, sought in England, 23  
 free exercise of civil powers under, 19  
 formation of union under, 20  
 joyful reception of, at Shawomet, 19  
 of incorporation, character of a contract in, 291  
 of Providence bank, features of, 263-4  
 of 1643, centralized judiciary established under, 96  
 of 1663, 23  
 the first, 432  
 the new, 180
- Charters, granting of ten, 290
- Cheevers, George W., 521
- Chief justices, former, 162-66
- Children, illegitimate, cases of provision for, 395  
 of pioneers as apprentices, 586
- Chimneys, panelled, 586
- Chocolate mills, 334
- Christopher Greene birthplace, the, 610
- Church, Benjamin, 584
- Cider making by the pioneers, 561
- Circulating mediums defined, 268  
 notes and capital, proportions of, 282
- Circulation, deposits, and capital, 312  
 increase of after resumption, 306
- Cities, 82; jealousy of, in the country, 118;  
 relative growth of, 77
- City hall, corner stone of, laid, 518
- Civil incorporation and government, free charter of, 17-18  
 laws, power granted to make, 93  
 procedure, code chapter relating to, 95  
 war bonds, 255-6  
 war, effects of the, on cotton mills, 357
- Claims between States and the United States, 228  
 many spurious, 229  
 of Rhode Island citizens, amount of, 228  
 of Rhode Island creditors, 228
- Clapp, Edwin, master mason, 523
- Clark, Mary, treated as a vagrant, 396
- Clarke, John, 180, 181, 183  
 Dr. John, 389  
 Peleg, 500  
 Samuel, 61  
 Weston, report of excuses, 1705, 196
- Clauson, John, carpenter, 430, 584
- Clemence, Thomas, 570
- Cloth, how made before the revolution, 337  
 making in early years, 335
- Coal and iron, report on, 331
- Coaster's Island, almshouse built on, 402
- Code of 1647, 435
- Code, changes in the first, 434-5
- Code of laws, features of, 432-34
- Code of 1647, basis of State law, 94; enactment of, 94-5; license authority given by the, 190; the, 20
- Coddington, William, 11, 13, 179; commissioned as governor, 23; covenant of, as judge, 13; election of, as judge, 91.
- Coggeshall, John, 13
- Coin, assay of colonial, 1704, 200  
 disappearance of, 202  
 exportation of, prevented, 200  
 scarcity of, in early years, 200
- Cole, Edward A., 610
- Collectors, election of, in each county, 231  
 towns authorized to appoint, 1748, 234

- Collectors of excise, powers of, 232
- Colonial and State finances of the revolution, 220  
     charter, authority conferred by, 94  
     credit, anxiety for, 218  
     government, expenditures for, 194-5;  
         first form of, 178  
     permanent debt, beginning of, 212
- Colonies reimbursed for military expenses 1747, 215
- Colonists, base elements in, 427  
     character of early, 424-5  
     drinking habits of, 621
- Colony, attempt by, to borrow money, 218  
     brought into being by towns, 85  
     claims of, against Congress, 1776, 200  
     division of, into three counties, 76  
     name of, fixed, 23  
     paternal policy of, 211  
     prison, keepers of, 449  
     prison, Newport, 448  
     the, as a banker, 197
- Columbia lodge No. 36, I. O. O. F., Wakefield, 549
- Colwell, Elizabeth, an unmarried mother, 396
- Commanderies of Rhode Island, membership in, 540
- Commerce, growth of, 51
- Commercial banks, comparison of, with agricultural banks, 274  
     disaster, 218  
     towns, political defeat of, 1786, 226
- Commissioners' court, the, 1655, 179
- Committee in relation to the grand lodge, F. & A. M., 499; to investigate masonry, 510; appointment of, to appraise values, 187; bank petitions referred to, 1826, 293; of investigation, 300; of investigation for banks, 278; report of, on taxation, 1695, 187; to settle difficulties among settlers, 10
- Common land, illegal use of, 429; the property of towns, 174.  
     law in Rhode Island, 94
- Compact of inhabitation, 8
- Compulsory arbitration, 10
- Congdon, Joseph, 360
- Congress, aid of, for Rhode Island poor, 401  
     appeal from, for financial aid, 223-4  
     request of, to levy tax, 223
- Constable, appointment of, and duties, 14
- Constitution, amendment of, 1888, 50'  
     based on the federal constitution, 118  
     of 1843, 113
- Continental bills, depreciation of, 222  
     money, first assignment of, to Rhode Island, 220
- Contract for public work, the earliest, 590
- Control of animals, 68
- Convention in Providence, 1779, 222
- Cook, Daniel, 587
- Corduroy, 339
- Corinthian lodge No. 27, F. & A. M., 522
- Corliss, George H., 376  
     William, 376
- Corn, high prices of, 1777, 401  
     husking by the pioneers, 561
- Cornell, Stephen B., 510  
     Thomas, trial of, 148-51
- Corporal punishment, 436-7
- Corporation act, 1847, 308  
     taxes, 1881, 251
- Corporations, increase of, 1830-1850, 247  
     personal returns required from, 247
- Cotton bagging, duty on, 355; manufacture of, in Providence, 353  
     disadvantages of American, 344  
     early supply from West Indies, 344  
     establishments of 1900, 358  
     factories, early impediments of, 343;  
         yarn spinning in, 348  
     factory, cost of building, 1860, 357  
     first sewing thread from, 345  
     gin, invention of, 344  
     goods, consequences of heavy importation of, 351; early customs duties on, 349; new duty on, 1815, 351
- industry, beginning of, at Natick, 347
- machinery, dates of invention of, 338; decline in cost of, 353; early manufacture of, 332
- manufacture, decline of, 1840-1850, 356
- manufactures, vicissitudes of, 1860-1880; statistics of, 1840, 353
- manufacturers, represented in Washington, 351
- manufacturing, present condition of, 358-9; progress of, in the south, 358
- mill, building of, at Hope village, 347; at Lippitt, 347; at Phenix, 347; at River Point, 347; in Cumberland, 346; the first, at Centerville, 1794, 345; the second, at Centerville, 1807, 345
- mills, increase in number of, 353; in Rhode Island in 1832, 354; in the State of 1840, 355; of 1812, 347; of 1815, 351; in 1820, 352; in 1829, 353; in 1850, 356; in 1860, 357; in 1870, 357; in 1880, 357; in 1890, 358; of Pawtucket, 346; tendency to consolidation of, 358
- price of, 1791, 344
- products, decline in prices of, 358
- scarcity of, in civil war period, 357
- twist, value of, in 1800, 348



- Cottons, early attempts to make, with machinery, 338-9
- Council of Emperors, 541  
of Princes, Providence, 543; of Jerusalem, Newport, 542
- Counterfeiting, death penalty against, 438-9  
penalty for, 435  
prevention of, 203
- County prison in Providence, erection of, 457; vote for, 1798, 456
- Country towns, political victory, 1786, 226
- County workhouse in Providence, 1738, 402
- Court, Appellate Division, powers of, 107  
authorized to sum up evidence, 130  
Common Pleas Division, jurisdiction of, 107  
decisions, premium for unanimity of, 97  
house at East Greenwich, 158  
house dedicated in Providence, 159  
judgments, claim to revise, 91  
of Chancery proposed, 99; 120; establishment of, 101  
of Equity constituted, 101, 120; jurisdiction of, 120  
of Last Resort, 93  
of Magistrates, establishment of, 134  
of Trials, proceedings, 1648, 131-2  
ordered to charge the jury, 129  
system, establishment of, 91
- Courts, basis of the present, 103  
composition of under first charter, 102  
control over, 96  
district, position of, 131; establishment of, 134  
held by trial justices, 106  
increase of business of, 161  
of Common Pleas, abolished as such, 107; establishment of, 99, 105; jurisdiction of, 103  
of General Sessions of the Peace, 103  
of jurisdiction, 97  
of limited jurisdiction, 93  
of Magistrates, establishment of, 106  
of Probate, 135  
of Trial, annual, 97  
on Rhode Island, provision for, 15  
time of holding the early, 127  
subjection of, to the legislature, 107
- Covenant lodge No. 40, I. O. O. F., Ashland, 550
- Coventry Company, mills built by, 347  
manufacture of cannon in, 370
- Cowpen's Point, 569
- Coxe, Daniel, 495
- Crandall, George F., 506  
John, 55
- Cranston, discord in local government, 39;  
small pox in, 26-7; incorporation of, 63  
John, 183
- Crawford, Capt. John, death of, 637; inventory of estate, 637-8  
Gideon, 634, 581  
John, 634-5
- Credits, length of, 288-9
- Crescent lodge No. 24, I. O. O. F., Providence, 548
- Crimes and the death penalty, 444  
punishment of various, 432-36
- Criminal legislation in early years, 435
- Crisis of 1829, the, 296  
of 1873, the, 316
- Crompton, cotton industry at, 347
- Cross, Jeremy L., 532
- Cross's Mills, 63
- Crossman, John, 569
- Crown Point bills redeemed, 218
- Cryptic Masonry, degrees of, 532
- Cumberland, cotton machinery manufactured in, 374  
foundry in, 331  
incorporation of, 63  
mills, the, 346
- Currency, effects of depreciation of, 213  
issues, restriction of, 284  
experiments, 298  
principle, belief in, 268  
principle and the banking principle, 267  
varied assortment of in 1782, 225
- Currie, Robert, 622
- Curtice, Abigail, an unmarried mother, 397
- Dalle, John, care of, 392
- Daniels, Horace, master mason, 522
- Dartmouth College, case of, 291
- Daughters of Liberty, 338
- David Arnold's tavern, 644-46
- Davis, Darius B., 519  
John, 580
- Debt of State in 1787, 227  
deduction of personal, 246
- Debts due from the U. S. to individuals, 228  
due to banks, 295  
scale of equivalents, 1751, 217
- Debtors, acts for relief of, 206  
many suits against, 213-14  
of banks, law affecting, 291
- Declaration of Independence, effects of, 77
- Democratic character of the government, 16
- Deposit banking, absence of, 289
- Deposits, danger of larger use of, for discounting, 318
- Depreciation, magnitude of, 1789, 227  
of currency, continuation of, 217
- Depreciating currency, evils of, 201
- Depression of 1837, 305

- Dexter Asylum, building of the, 407  
 Dexter, Andrew, 341  
   Andrew, jr., 278  
   Capt. John, 580  
   donation, the, 406-07  
   Ebenezer Wright, 406-07  
   Gregory, 584  
 Digest of 1844, 117-18  
 Directors, made personally liable, 281  
 Discounting notes, methods of, 302  
 Discounts, increase of, 308  
 Diseases among the pioneers, 559-60  
 Disposers, the five of Providence, 90  
   and arbitration, 11  
 Distilleries, 384  
 District Courts, establishment of, 134  
 Dividends, decline of, 317  
 Divorce, act regulating, 96-7  
   first instance of, 98  
 Dodge, Seril, 377  
   Nehemiah, 377  
 Dogs, nuisance of, 565  
 Domestic animals, marking of, 69; im-  
   pounding of, 70  
   utensils, manufacture of, 331  
 Doric lodge No. 38, F. & A. M., Auburn, 525  
 Dorr, Thomas W., 300; trial of, 466  
 Dorr war, the, 84; cost of, 253  
 Dorrance v. Fenner, 154-5  
 Doyle, Grand High Priest, 530-31  
   Thomas A., 516, 520  
 Drummond, Joseph, 593  
 Drunkenness, punishment of, 445  
 Dry goods, character of, 582  
 Duck manufacture, bounty on, 329  
 Dueling, penalty for, 436  
 Duncan, Alexander, 420  
 Dunwell Manufacturing Company, case of,  
   248  
 Durfee, Job, 164  
   Thomas, 162, 166  
 Dutch Island, land interests on, 47  
 Duties, attempt to obtain higher, 356  
   collection of, 230  
   evasion of, 231  
   new schedule of, 1828, 353  
   on various goods, 231  
   rates increased, 230  
   statistics of, in various years, 232  
 Duty, new on cotton goods, 1816, 351  
 Dyeing establishments in 1900, 358  
 Dyer, Dr. Benjamin, 367  
 Eagle lodge No. 2, I. O. O. F., Providence,  
   545  
   bank, the, 290  
 Earle, Ralph, 326  
 Early bank management, frauds in, 278  
   courts, character of, 91  
   government in Rhode Island, a  
   "Democracie," 16; popular form  
   of, 16; tendencies of, 17  
 Early habits and customs and old land-  
   marks, 555, 557  
   local government, difficulties of, 39;  
   new form of, 10; peculiarities  
   of, 7  
   political organization on Rhode  
   Island, character of, 13  
   political tendencies in Providence,  
   absence of, 13  
   settlers at Providence, Williams's  
   subscription for, 7  
   settlers, characteristics of, 557;  
   deeds of land to, 10; ills of, 558;  
   new and difficult problem of, 4;  
   occupations of, 557; poverty of,  
   389-90  
   settlements, as voluntary associa-  
   tions of individuals, 90; character  
   of the, 3; spirit in which made, 6  
   town officers in Rhode Island, 13  
 East Greenwich, a body distinct from the  
   proprietors, 45-6  
   beginning of calico printing in, 343  
   early hat making in, 360  
   early landholders a close corpora-  
   tion, 45  
   land allotments in, 46  
   lottery to complete court house in,  
   158-9  
   organization of, 58-60  
   proceedings of proprietors, 45  
 East Providence, incorporation of, 65  
 Eastman, James H., 486  
 Easton, John, 54  
   Nicholas, 183  
   Peter, 189  
 Eddy, Samuel, 162  
 Edward Manton house, the, 624-27  
 Elders chosen to assist the judge, 91  
   duties of, 14  
 Eleazer Whipple homestead, burial place on,  
   609; house, the, 606-10; site and de-  
   scription of, 607-8; use of as a tavern,  
   609-10  
 Election of town officers of 1663-4 provided  
   for, 23  
 Electra lodge No. 41, I. O. O. F., Adamsville,  
   550  
 Ellery, William, 162  
 Elmwood bank of Cranston, the, 302  
 Embargo of 1807, consequences of, 287  
   previous to the one of 1812, effects  
   of, 360  
 Eminent lawyers, 138  
 Enabling act, passage of 1865, 312  
 English and New England money, scarcity  
   of, 189  
   grand lodge, F. & A. M., the, forma-  
   tion of, 493  
 Enterprise lodge No. 22, I. O. O. F., Paw-  
   tucket, 549

- Epenetus Olney house, the, 627-29; description of, 629; homestead, survey of, 628-9
- Equitable jurisdiction, the great, 161
- Equity powers in state, slow growth of, 120
- Eureka lodge No. 22, F. & A. M., Portsmouth, charter of, 521
- lodge No. 28, I. O. O. F., Woonsocket, 549
- Evening Star lodge No. 17, F. & A. M., Smithfield, charter of, 507
- Evidence, questions of, decided by courts, 130
- Excelsior lodge No. 49, I. O. O. F., Newport, 550
- Exchange among the pioneers, 564
- bank, the, 276
- high rate of, 1857, 311
- on London, 1721, 206-7
- premium on, 287
- rates of, 301-2
- Excise laws, passage of, 231
- Execution, provision for satisfaction of, 97
- Exemption, 245
- Exemption laws of 1892, features of, 246
- Exeter lodge No. 43, I. O. O. F., 550
- set off from North Kingstown, 51
- Expansion, a century's, 239
- Expedition to Canada, cost of, 196-7
- Expenditures, character of local, 260
- comparison of, 239
- comparison of for different years, 213
- during the revolution, 238-9
- for educational purposes, 253-4
- for institutions for the dependent, 256
- for various departments, 259
- normal in peace period, 239
- schedule of, 258
- special 1891-1900, 259
- of the peace period, 1713-1739, 210-12
- 1740, 213
- Expenses of years 1741-44, 214
- of 1735, 211
- Extension of loans, evils of, 295
- Factories, characteristics of, 335-7
- in 1752, 218
- Factory system, inauguration of, by Rhode Island, 339
- Fales, David G., 373
- Farmers' and Mechanics' bank of Pawtucket, failure of, 296
- Exchange bank of East Greenwich, ruin of, 278-9
- Exchange bank of Gloucester, 278
- Fenner, Arthur, 581; death of, 606; homestead of, 603-5; sketch of career of, 603-5; some of his tools, 591
- Benjamin, 606
- castle, the, 586
- Fenner, Daniel, the conjurer, 606
- Howlong, 560; petition from, 583
- James, 162, 606
- Polly, 606
- Samuel, 606
- Thomas, 576; career of, 615; papers of, 616-18; tavern of, 616; will of, 618
- Ferriage, prices determined by Providence, 191-2
- Ferry in Portsmouth licensed, 25
- monopoly of granted, 1700, 192
- Festival communication, Warren, 1887, 520
- Fictitious banking, evils of, 295
- Field, Capt. John, 335
- family graveyard of, 597
- Henry C., master mason, 523
- Jeremiah, 592, 597
- Thomas, homestead of, 595-6
- Thomas, jr., 597
- William, 563; past grand master Mason, 517
- Field's Point, 595; 597
- Finance in Rhode Island, 1702-10, 196
- Finances of 19th century, differ from those of former years, 239
- Financial conditions, early, 195-6, 261
- distress, 1819-20, 352; in Providence, 1834, 298
- heresies of the early period, 266-7
- legerdemain, 202-3
- period, the second, 282
- situation, 1818-1826, 292
- system, control of, by the landed paper money party, 202
- war measures of the revolution, 221
- Fines and fees, 192
- for breach of the peace, 193
- for nonperformance of official duty, 193
- imposition of 1679, 184
- Fire department, organization of, 72
- engine, purchase of, 72
- protection from, 71-2
- marshal, office of, created, 73
- Fires, officers appointed to guard against, 72
- First banking period, 261
- bank, characteristics of the, 263
- Fiscal history, beginning of, in three towns, 173
- Fisher, Dwight, 372
- Fisheries, early importance of, 581
- "Five Desposers," meetings of the, 10
- Flax, bounty on, 369; bounty to growers of, 329; early attempt to grow, 70-1
- Fly shuttle, early use of, in Providence, 339
- Fones Greene homestead, the, 614-15
- Force bill to aid value of bills, 216
- Foreign coin, value of, 200
- trade, Newport vessels in, 1769, 328
- Forestaff, description of, 580



- Forge and foundry, the first in the country, 330
- Forgery, penalty for, 435-6
- Forging, early hand, 585
- Fourth financial period, 1865-1900, 312
- Fox, Nathaniel, ordered out of Providence, 1694, 394
- Franchise, regulations for exercise of, 22
- tax, imposition of, in 1881, 252
- Francis, John Brown, 514
- Franklin, Benjamin, as a Mason, 495; 612
- Chapter No. 7, F. & A. M., Hope Valley, 530
- lodge No. 20, F. & A. M., Westerly, charter of, 1857, 516
- lodge No. 23, I. O. O. F., Providence, 548
- Savings bank, failure of the, 317
- Fraternity encampment No. 17, I. O. O. F., East Providence, 552
- Frauds in early bank management, 278
- Free library building, Warren, 520
- Free Masonry and Odd Fellowship, 491, 493
- claims to antiquity of, 493-4
- dates of organization in various states, 496
- historical beginning of, in America, 494
- introduction of degrees in, 494
- introduction of, into America, 494
- origin of, 493
- Freemasons' Hall, burning of, 519; company, organization of, 519; erection of the new, 519-20; laying corner stone of, 519; dedication of, 1886, 519
- Freemen, power of, to make loans, 16
- must be landholders, 50
- Friendly Union lodge, I. O. O. F., Providence, charter of, 544
- Union lodge, I. O. O. F., Providence, history of, 545
- Friendship lodge No. 16, I. O. O. F., Carolina, 548
- Frøe, the, 591
- Fruits, wild, in early time, 564
- Fuel, scarcity of, 1777-8, 401
- Fulling mills, early, 333
- Furniture, absence of, in early times, 594
- Game, hunting of, in early years, 563
- Gardiner, Hon. Asa Bird, 612, note
- Garratt, William, ordered out of Providence, 395
- Gaspee, burning of the, 80
- General assembly, court of last resort, 93
- empowered to impose taxes, 184
- powers of, not strictly legislative, 119
- settlement by, of right of town to reject settlers, 1682, 394
- "the best Chancery Court in the world," 121
- General Assembly, to act as Court of Chancery, 100
- treatment of judicial cases by, 98
- towns given representation in, 20
- General conservators of the peace, 95
- General Court as Court of Assize, 95
- establishment of, 20
- finer for non-attendance, 102
- of election, one of first acts, 94
- of trial, 97; charter of, 95; jurisdiction of, 102; regulation of appeals from, 99
- of what constituted, 102
- quorum of, 102
- establishment of, 93
- General Grand Chapter, F. & A. M., convention of in Providence, 527-8; dissolution of, 531
- General property tax and total income compared, 251
- sergeant, office of, 449; office of merged with sheriff's office, 449
- taxes, features of, 233
- town government, gradual enlargement of, 23
- verdicts, danger in, 130
- "Generall Towne" gatherings, called by clerk, 10
- Gibson lodge No. 47, I. O. O. F., Peacedale, 550
- Gilmour, William, coming of, to North Providence, 348
- Globe bank, the first with specific power to issue bills of credit, 297
- Glocester, set off from Providence, 51
- Good Samaritan lodge No. 8, I. O. O. F., Pawtucket, 546
- Goodwin, Adam, insanity of wife of, 390-1
- Margaret, goods sold for support of, 390; verdict on the death of, 391
- Gorham, Jabez, 381
- Manufacturing Company, the, 381
- Gorton, Samuel, 6, 575
- Samuel, jr., 612
- Thomas, 25
- Gould, J. L., (note) 496
- Government centralization 1680, 185
- Governmental departments, new, 256
- Governor's assistants, agreement to choose, 15
- Grand Chapter, F. & A. M., special convocation of, Newport, 529
- Council, F. & A. M., first officers of, 534
- Council of Knights of the Red Cross, 539
- Council of Rhode Island, organization of, 533
- Council of Royal and Select Masters, 533
- encampment, I. O. O. F., first offi-

- cers of, 552; of chief Patriarchs of Rhode Island, organization of, 552; of Rhode Island, formation of, 536; organization and first officers of, 539  
 Grand high priest, F. & A. M., the first, 527  
   jurymen chosen, 93  
   lodge, F. & A. M., conventions and measures of the, 515; festival commemoration of, 1840, 515; library, founding of, 1849, 515; new constitution of, 1865, 517; of instruction, the, 517; address of to the, public, 510; centennial celebration of, 1891, 520; charges against, 509; communications held by, 502; degrees conferred by, 501; Newport officers of, 500; proceedings at organization of, 1791, 500; Providence officers of, 500; sessions of, 500; plan of ritual work in, 517; registration of charter of the, 1861, 513; revision of constitution, 1802, 1808, 504; surrender of charter, 1834, 513  
   lodge of R. I., I. O. O. F., first officers of, 547  
   lodge of the U. S., F. & A. M., sentiment against, 501  
   masters, how appointed, 500; list of, 534  
   United Order of Odd Fellows (colored), 553  
 Granite lodge No. 26, F. & A. M., Harrisville, charter of, 522  
   lodge No. 33, I. O. O. F., Pascoag, 549  
 Gray, William, 516  
 Greene, Benjamin, 369  
   Col. Christopher, 610; military record of, 610  
   Col. Job, 345  
   family, the, 331; establishment of a forge by, 331  
   G. E., 522  
   Gen. Nathaniel, forge of, 611; home of, 611; military services of, 612  
   Henry Whitman, 615  
   homestead, the, 611-12  
   Jacob & Co., 370  
   James, 54  
   Manufacturing Company, the, 347  
   Richard W., 128-9, 164  
   Philip, 610  
   Timothy, 346  
   William, career of, 612  
   William Russell, master Mason, 525  
 Grist mill, early in Providence, 329  
 Gross tax system, 1698, the, 188  
 Guardians, power to appoint given, 136  
 Guild, Albert, 547  
 Guilds, the old English, 494  
 Gurney, John, ordered out of town on account of his poverty, 394  
 Hackleton, Thomas, permission given to burn lime, 329  
 Hadley, Capt. John, 580  
 Haile, Levi, 510  
 Halsey, Thomas L., 266  
 Hamilton lodge No. 15, F. & A. M., Coventry, charter of, 506  
 Hand cards, early manufacture of, 332  
 Handy, Lieut. Charles, 640  
 Harding, Stephen, 584  
 Hard money party, the, 208  
 Harmony lodge No. 9, F. & A. M., Pawtucket, charter of, 505  
   lodge No. 5, I. O. O. F., E. Greenwich, 546  
 Harris, Caleb, 626  
   Howlong, 606  
   Lieut. Thomas, 605  
   Olive, master Mason, 507  
   Thomas, sr., 588  
   Toleration, brass candlesticks of, 563  
   William, 560, 590, 606; tools of, at his death, 592; cabin of, 605  
   woolen mill, the, 363  
 Harrison, William, master Mason, 506  
 Haskell, W. H. Company, the, 373  
 Hat making, statistics of, 369  
 Hats, early manufacture of, 360  
 Hawkins, William, 337, 569; grant to burn lime, 588  
 Hays, Moses M., 541  
 Hazard, Benjamin, 293, 510  
   Isaac P., 360  
   Ives controversy, the, 121  
   John C., master mason, 522  
   Rowland, 360  
   Rowland G., 360  
   Samuel, 618  
   Thomas, extracts from report of, 421-2  
   Thomas R., 408; report of, on conditions of the poor, 1850, 408-9  
 Hemp, bounty on, 1721, 1728, 205  
 Herenden, Benjamin, 588  
 Highway, survey of an early, 626  
 Hiram's chapter No. 2, F. & A. M., Newport, petition for, 528  
 "Holy Alliance," the, 285  
 Holy Sepulchre encampment, I. O. O. F., Pawtucket, charter of, 540  
 Home league, the, 356  
   lots, Providence, dimensions of, 42; plans showing, 12, 18; plan showing first division of, 9  
 Hope lodge No. 4, I. O. O. F., Providence, 546  
   chapter No. 6, F. & A. M., Bristol, 528, 530

- Hope furnace, the, 331; cannon manufactured at, 371  
lodge No. 25, F. & A. M., Wakefield, charter of, 522
- Hooper, John, jr., master Mason, 523
- Hopkins, Joseph, 331  
Stephen, 162  
Thomas, 605  
Timothy, 77  
-Ward contest, the, 237  
William, 402, 626
- Hopkinton, incorporation of, 64
- Horse stealing, severe law against, 447
- Horses, high value of in early years, 567
- Horsford, Prof. E. N., 383
- Houses, character of some of the early, 592  
lighting of in early years, 561  
of correction, authority to build, 1725, 212; measures for 1725, 418  
of deputies, bill of, to emit £50,000, 1751, 217  
of entertainment, on Rhode Island, 13
- Howard encampment, No. 6, I. O. O. F., 551
- Howe, Frank M., 484-5
- Howell, David, 162, 223, 299
- Howland, John, 612
- Hughan, William J., 494, 526
- Hull, Tedeman, 57
- Hunting by the pioneers, 563  
houses of early times, 605
- Husking corn, 561
- Hutchison, James, 517
- Illegitimate children, how treated, 396
- Illegitimacy, prevalence of in early years, 395
- Importations, early growth of, 581-2  
description of early, 582
- Imposition of fines, necessity of, by early settlers, 10
- Impost act as a license law, 231; the first, 1783, 320; the first, repealed, 231  
assembly rate for 1785, 225  
duties prior to 1783, 230  
law, amendment of, 231
- Imports receipts, appropriation of, 212
- Income, minor forms of, 229  
schedule, 257  
total, for four years, 1741-44, 214
- Increase of bank capital, political influence of, 294
- Incorporation of Providence, Portsmouth and Newport under charter, 1643-4, 16
- Indebtedness, due to municipal growth, 260
- Indentured servants, character of, 426  
servants, or apprentices, 425-6;  
examples of, 428-9
- Indentures of apprenticeship, conditions of, 586-7
- Independent Order of Odd Fellows, 544
- Indian dogs in early years, 565
- Indians, Dutch, French, etc., prohibited from trading with the, 49  
early crimes of, 430-31  
money, 198-9  
war, consequences of, 185
- Industrial condition, 289  
depression, 291  
development, 323  
improvement, 1840-65, 308  
resources, decline of, 214  
war, beginning of, 349-50
- Industries, protection of, 353
- Industry, agriculture the first, 325  
bounties to assist, 205  
paralysis of, 1819-20, 351
- Inferior, or District Courts, prototype of, 98
- Inflation, 283  
rendered impossible, 285  
tendencies in the early '30s, 297
- Influence of land holding on town development, 41  
of Rhode Island towns, the, 84-5
- Inman, Edward, 330
- Inns, characteristics of, 572
- Insane, all cases placed in hospitals, 421-2  
and vagrants in same class, 418  
case of incarceration in Jamestown, 417  
care of, placed with town councils, 418  
humane treatment of, in some cases, 418  
hospital, legacy for, in Providence, 419  
indigent, appropriation for support of, 420  
in jails, prohibition of, 1850, 420  
paupers, provision for, 422  
poor, support of, by towns and cities, 423
- Insanity and vagrancy as misdemeanors, 418  
examples of cases of, 416  
first mention of, by Roger Williams, 415
- Insurance, 274  
companies and banks, relations of, 275-6; need of large capital, 274;  
organization of in seaports, 276;  
purchase of bank stock by, 275  
marine risks of, 274
- Intendants of trade, 231
- Interest, advance in rate of, 1834, 298; in 1873, 316  
bearing bills, recall of, 220  
bonds required for payment of, 1738, 203  
collection of, difficult, 203  
devices to get illegal, 301



- Interest, legal rate fixed, 300  
     legal rate violated, 300  
     made payable in hemp and flax, 205  
     on banks, division of, 205
- Inventories, value of old, 580
- Inventory of wood-working tools, 584
- Iron manufacture at the beginning of the revolution, 370; rapid improvement in, 371  
     mine, discovery of, 330  
     ore bed, discovery of, in Scituate, 331  
     ore, discovery of, 330; in Cranston and Cumberland, 331, 371
- Ionic lodge No. 28, F. & A. M., Greene, charter of, 523
- Island of Rhode Island, agreement of settlers of, 11; record of organization of government on, 11
- Issue of notes by private persons forbidden, 280
- Ives, Thomas P., 266
- Jail and courthouse in each county, 1793, 453  
     building of new, in Newport, 1702, 452  
     in Bristol county, 455  
     in Kings county, 453  
     in Newport, committee to repair, 452; condition of, 452; cost of, 453  
     Lane, Providence, 454  
     new in Providence, 461  
     second one at Little Rest Hill, 454  
     third in Providence, 454
- James Hanley Brewing Company, the, 384
- Jamestown, appointment of seven men to manage affairs in, 46  
     charter details in, 34-5-6  
     dominance of Proprietors in, 47  
     early Town Council proceedings, 25  
     governing committee in, 34  
     incorporation of, 60-61  
     organization at present day, 38  
     "perpetuall Counsell" appointed, 46-7
- James Wood lodge No. 30, I. O. O. F., Providence, 549
- Jay Cooke & Co., failure of, 1873, 316
- Jenckes, John, 261  
     Governor, 208  
     Thomas A., 125, 144-5  
     Thomas A., argument of, defining judicial power, 125-6
- Jencks, John F., master mason, 522
- Jenkins, Robert, master mason, 497
- Jenks, Alvin, 373  
     John C., 378  
     Joseph, jr., 330  
     Joseph, Immigration of 1642, 330  
     lodge No. 24, F. & A. M., Central Falls, charter of, 522
- Jenks, Stephen, 331, 373  
     Stephen & Sons, 373
- Jewelry business, prosperity of 1825-1857, 379  
     character of the early, 378  
     industry, Rhode Island's prominence in, 380; statistics of 1899, 381; manufacture, changes of methods in, 379; in Providence, 1805, 378; of, 377; statistics of, 378-9; statistics of 1832, 378; statistics of 1840, 379; statistics of 1860-70, 380; statistics of 1880, 380; statistics of 1890, 380; the early, 377
- John Crawford house, location of, 634-5, 637
- Johnston, incorporation of, 64
- Joseph Noyes house, the, 623-4
- Williams house, the, 649
- Joshua Babcock house, the, 631
- Judge Durfee, 138  
     Story, alleged presumption of, 130
- Judiciary Act, passage of, 107
- Judicial authority, unique feature of, 91  
     and legislative power, distinct from each other, 113  
     and legislative relations, discussion of, 123-5  
     determination by arbitration, 90  
     determination of controversies, the first, 90  
     Districts, State divided into, 134  
     doctrine, new, 117  
     functions exercised by assembly, reason for, 104  
     oppression, fear of, in Colonies, 119  
     power, promise of early development of, 89  
     power properly placed, 116  
     power, where vested, 122  
     supremacy, the struggle for, 87  
     system, advance in, 93; foundation of present, 93; how supported, 211; still further extended, 134
- Judiciary, assertion of true character of, 107-9  
     master of the legislature, 89  
     rudimentary in Portsmouth, 91  
     salaries of, 127-8  
     slow development of, 89
- Juries, as judges of both law and fact, 129
- Jury, first mention of, 91  
     law authorizing the court to instruct, 130  
     Trial, the second, 99  
     Trials, two or three might be obtained, 156  
     usurpation of functions of courts, by 129
- Justices, appeal from sentences of, 133  
     first reception of jurisdiction by, 133  
     jurisdiction of, 133

- Justices of magistrate's courts, powers of, 134  
of the peace, authority given to sit in town councils, 38; general characteristics of, 134; jurisdiction of, 105, 133; manner of appointment of, 133
- Keene, George F., M. D., 424
- Kent, Joseph, 32
- Kent county, jail and court house in, 455
- Kentish Guards, 610, 611
- Kerr, Nathaniel B., master mason, 524
- Kidd, Captain, order to apprehend, 442
- Killingly road, or pike, the 626
- King, address to, relating to piracy, 441  
and Parliament, recognition of in early official documents, 19  
David's lodge, F. & A. M., Newport, 498  
Solomon's lodge No. 11, F. & A. M., East Greenwich, charter of, 505
- Kingstown, division of, 57
- Knight, Hon. Nehemiah, 363
- Knights Templar, 534-40; degrees of, 534; degree of conferred, 535; first recognition of, 535; in Providence, 538
- Knights of the Red Cross, 535
- Knowles, John Warren, 360
- Lafayette lodge No. 19, F. & A. M., Cumberland, charter of, 507  
lodge, No. 42, I. O. O. F., Clayville, 550  
visit of, to Providence, 594-5
- Land, early a disturbing question, 48; fertility of, around Providence, 565; holding, associated with right of franchise, 48-9; questions, importance of, in town assemblies, 22
- Landed aristocracy, 52-3; rights of proprietors of Providence, 42
- Landlords, the early, 573
- Landmark chapter No. 10, F. & A. M., Phoenix, 530
- Lanphear machine shop, the, 374-5
- Lands in Rhode Island well watered, 569; undervaluation of, 1849, 1855, 249
- Latham, Joseph, 616
- Law of jurisdiction, the, 161; of negligence, the, 161; of 1718, 436; of 1836, features of, 302-3; triumph of, over popular prejudice, 110
- Lawful money, amount issued 1756-1774, 219; at par, 219; bill, the first, 218; depreciation of 1762, 219
- Laws, changes in, affecting liquor licenses, 243-4; provision for revision on Rhode Island, 15; the first code, 432-34
- Lawyers, former eminent, 162-3; prohibited from election as deputies, 127; personalities of, 138-9; tax imposed upon, 159
- Lands, prices of, 1639, 326
- Lyman, Judge Daniel, 348
- Legal and judicial changes, 161; business, increase of a sign of progress, 161; cases, modes of argument, 139; expenses, 1702-05, 197; residence in town, how gained, 399; tender act repealed 1789, 227; tender, gold the only, 219; tender laws, repeal of in R. I., 222
- Legislative committee to investigate masonry, 510
- Legislative, attitude of towards its obligations, 227; protests against paper money issue, 1744, 214
- Liberties, confirmation of towns in, 20
- Liberty of conscience in Providence, 10
- License powers, transfer of, to town councils, 191; taxes, increase of, 240
- Licensed persons, duty imposed on, 1822, 240
- Licenses for sale of liquors, 243; grant of in several towns, 24-5; issue of to foreign insurance companies, 240; rates of, 243-4
- Liddeason, Job, apprenticeship indenture of, 398
- Lime burning in early years, 587-8; kiln, the first, 329; rocks, order to remain common, 588; rocks, value of to the pioneers, 588
- Lincoln, incorporation of, 67
- Linen and hemp manufactures, 367, 369
- Linen manufactures, stimulation of, by the revolution, 369
- Lippitt, Col. Christopher, 624  
Gov. Henry, 518
- Liquor, disappearance of, on board ship, 578-9; licenses, features of, 244; transactions, illegal, 621; excise of, 190, 621; sale of, regulated, 74
- Little Compton, incorporation of, 63
- Little Rest Hill, removal to, of court house and jail, 453
- Loan asked for by congress, 1779, 222  
certificates, 221  
offices, order to close, 222  
to Congress, Rhode Island's portion of, 222
- Loans, long time, 288
- Local courts, anxiety to preserve, 133  
government, beginnings of, 6; early development of, 8; functions enlarged, 68; increase of early burdens in, 10; in hands of freemen, 22; on Rhode Island, more elaborate system of, 14; separation of religious and political authorities in, 8  
laws, transplanted from England, 177  
town meetings, disturbances in, 71
- Lodge of Perfection, F. & A. M., Albany, 541; Newport, 533, 542

- London, Edward, typical case of early pauperism, 391-2
- Loom, first invented for weaving bed-ticking, 374
- Lottery for bridge at Weybosset, 214; introduction of, for internal improvements, 1774, 212; tickets, penalty for counterfeiting, 439
- Lotteries, duties imposed on; 1826, 240; special taxes on, 241-2; taxation of, 254
- Low, John, 645
- Machine shops in Pawtucket, 373
- Mackey, Dr. Albert G., 494 note
- Malbone, Col. Godfrey, 441
- Manchester lodge No. 12, F. & A. M., Anthony, charter of, 505  
encampment, No. 4, I. O. O. F., Pawtucket, 551
- Manning President, of Brown University, 227
- Manton, Edward, 625, 626; estate of, 627  
Shadrach, 626
- Manufacture of jewelry, beginning of, 377
- Manufactured products, value of, in 1810, 348
- Manufacturers, failure of leading, 296  
lodge No. 15, I. O. O. F., Potters Hill, 548  
their interests in banks, 308
- Manufactures, early, 332; early lack of capital for, 349; miscellaneous, 385-6; of iron and steel, 370; products of 1832, 354; prosperity of 1850-1860, 356; repeal of bounty act on, 1751, 338; statistics of, 1900, 377; value of 1824, 352
- Manufacturing system completed by use of the power looms, 349
- Marking cattle in early years, 566
- Marine insurance, profits of, 274; premiums paid in notes., 275
- Maritime pursuits among the early settlers, 578-9
- Mark lodges and chapters, inquiry into standing of, 529
- Mark master's lodge, Cumberland, 529; No. 1, Bristol, dispensation for, 528; Gloucester, dispensation for, 528  
master, past master, most excellent master degrees, 526
- Maryland commandery No. 1, 535
- Marriage customs of early times, 577  
public notice of intent of, 576;  
strange conditions of a, 577
- Mason, Benjamin, master mason, 497
- Masonic bodies, colored, Providence and Newport, 543-4; hall, dedication of in Westerly, 518; lodges, early in Great Britain, 493; meeting, first sanctioned in America, 495; Relief Association, formation of, 524; templary, attempts to organize, 536
- Masonry, advancement in Rhode Island since 1870, 518; capitular, 526; from 1860 to 1870, prosperity of, 516; general harmony in, 504; nineteen lodges in R. I. in 1826, 504; revival of after the anti-Masonic crusade, 515; support of by prominent men, 511
- Masons, addresses from in Rhode Island, 511; hopefulness among, 514
- Mason work, stability of the early, 586
- Massatuxet encampment No. 5, I. O. O. F., Westerly, 551; No. 19, I. O. O. F., Westerly, 552
- Massasoit encampment No. 8, I. O. O. F., 551
- Matheson, Zachariah, shoemaker, 330
- Matteson, Charles, 166
- Mazeppa encampment No. 12, I. O. O. F., Providence, 551
- Mayflower lodge No. 31, I. O. O. F., Providence, 549
- Meadow land, value of, to the pioneer, 568; early names of, 569
- Mechanics' lodge No. 14, Hope Valley, 547
- Meeting house, location of, in Rhode Island, 13
- Merchants' bank, the, 290, 303; sub-system of, 285  
closing of shops of, 226  
Insurance Company, the, 276  
loss of influence in politics, 52
- Middletown, set off from Newport, 51
- Military service, fines for neglect of, 194; required, 194
- Militia system for Rhode Island, provision for, 15
- Mill, early, in Providence, 329; the old stone, 327
- Miller, Nathan, maker of bayonets, 370
- Minnehaha encampment, I. O. O. F., Providence, 552
- Model of church and civil power, the, 5
- Money borrowed in anticipation of taxes, 1777, 221; issues, assumption of power over, by Congress, 222; media of early settlers, 197-99; metals, scarcity of 1823, 292; question, political features of, 201; standard, 213; 40 to 1, 222
- Monitor, a new, 1889, 518
- Mortgages, changes in terms of payment of, 203
- Morgan, William, arrest and disappearance of, 508
- Morning Star lodge No. 13, F. & A. M., Woonsocket, charter of, 505
- Morris, Robert, 222
- Mount Hope bank, comparison of, with others, 1821, 294
- Mount Moriah lodge No. 8, F. & A. M., Limerick, charter of, 504; refusal of to adopt new standard, 517



- Mount Vernon lodge No. 4, F. & A. M., Providence, incorporation of, 502
- Mowbra castle, 631
- Mowry, Dan, 627
- James, 609
- Roger, sketch of life of, 620; tavern license to, 619;
- tavern, record of search of, 621
- Moshassuck encampment No. 2, I. O. O. F., Providence, 551
- Mt. Pleasant lodge, No. 45, I. O. O. F., Providence, 550
- Mt. Vernon lodge No. 50, I. O. O. F., Pawtuxet, 550
- Mumford, Paul, 162
- Municipal court, Providence, 136-7
- Murray, W. W., 489
- Muskets, government contract for, 1811, 374
- Nails, early manufacture of, 332; manufacture of, 1816, 373
- Names of children in early times, 575
- Narragansett bank of Wickford, the, 277
- bay, claims to land along, by Massachusetts and Plymouth, 23
- commandery, Westerly, charter of, 540
- country, proprietor's records in, 44-5
- encampment, No. 1, I. O. O. F., 551
- incorporation of, as a district, 68
- lodge No. 7, I. O. O. F., Westerly, 546
- Nash, Joseph, 634
- National bank currency, retirement of, 313; laws, the recent, 318
- banking system, disappearance of, reasons for, 318; rise and decadence of, 312
- finance scheme foreshadowed, 225
- banks, movement for consolidation, 317; statistics of, 322
- Naval officer, establishment of, in Newport, 1682, 191
- Navigation, instruments and charts for, 580; old books on, 580-1
- Neptune lodge No. 26, I. O. O. F., Block Island, 549
- Nestell lodge No. 37, Providence, charter of, 525
- New almshouse, appropriations for, 411
- New England, character of early immigrants, 424-5
- bank of Boston, the, 284
- bank system, the, 284
- manufacturers, distress among, 354
- Pacific bank, the, 290
- traces of "mean whites" in, 427
- value of manufactures in, 287
- New members, provision for reception of, 22
- Newport and Portsmouth, particular courts in, 93; union of, 15
- Newport and Rochester, vote to provide court house, 155-6
- asylum, case in, 418
- bank, government deposits in, 277
- chapter, 528
- charter applied for, 71
- commercial development in, 328
- cost of British occupation of, 226
- Court of Magistrates constituted in, 106, 134
- debt of 1641, 175
- early manufactures of, 328
- early shipbuilding in, 327
- early taxation in, 187
- encampment, 539
- establishment of settlers at, 14
- first almshouse in, 212
- harbor, tax for building fort in, 196
- incorporation as a city, 81
- jail, cost of, 453
- judicial determinations by judge and elders, 93
- large shipping interests of, 327
- marine insurance in, 274
- men deprived of franchise in, as penalty, 49
- merchants, funds of invested in privateering, 441
- naming of, 15
- petition to assembly for aid, 400-401
- prison, use of by whole colony, 448-9
- propagation of settlement at, 15
- Quarter Courts in, 93
- repeal of city charter, 81
- ruin of by the revolution, 328
- second incorporation as a city, 83
- settlement and naming of, 5
- taxes in, 210
- the first almshouse in, 1723, 401
- Trust Company, organized 1902, 315
- New Shoreham, addition of two wardens, 36
- charter details of, 33
- incorporation of, 33
- regulations established in Revolutionary war, 33
- New tenor bank of 1744, 214; bills, emissions of 1741, 214; first issue of by Massachusetts, 1737, 209; first R. I. issue of 1738, 210; issue of 1740-1748, 214
- period, the, 1740-1756, 212
- New York and Stonington railroad, charter of, 297
- New York, Providence and Boston R. R., exemption of, from taxation, 252
- Niantic encampment No. 7, I. O. O. F., Hopkinton, 551
- Nibecker, F. H., 487
- Nichols, Capt. Jonathan, 57; master mason, U. D., 505
- Nicholson File Co., the, 376
- Nichols & Langworthy Machine Co., the, 374

- Night pasture, character of, 570  
 Non-interest bearing bills of credit, 221  
 Noot, Myer, master mason, 529  
 North Kingston Exchange, the, 307  
 North Kingstown, organization of, 57  
 North Smithfield, edge tool making in, 374; incorporation of, 67  
 North Providence, division of, 67; incorporation of, 64  
 North Star lodge No. 25, I. O. O. F., Providence, 548  
 Notes by private persons, issue of, forbidden, 280  
     given for bank stock, evils of, 293  
     ingenious methods of discount, 302  
     issue of by the State, 228  
     issues of Parliament, restriction on, 1751, 212  
 Noyes, Col. Joseph, 623, 624  
     Lieut. Thomas, 624  
 Oaklawn school for girls, 485  
 Ocean lodge, I. O. O. F., 546  
 Odd Fellows Building Association, the, 553; encampment of Rhode Island, 550; first lodge in Providence, 544; hall, Providence, 547, 552  
 Odd Fellowship, decline of in Rhode Island, 1850-1860, 548  
 Old and new tenor bills, valuation fixed, 217  
     landmarks, 594  
     Providence deed, details of, 42  
 Olive branch lodge No. 37, I. O. O. F., Providence, 550  
 Oliver, Thomas, jr., 330  
 Old tenor and new tenor, differences between, 213; name abolished, 1764, 219; bills, circulation of prohibited, 1771, 219; bills emitted for Crown Point expedition, 1755, 218; bills issued for redemption, 214  
 Olney, Capt. Stephen, house of, 594; sketch of the life of, 594-5  
     Epenetus, 585, 627, 628, 629; carpenter's tools belonging to, 591  
     James, 628, 629  
     John, 585  
     Thomas, 31, 563, 594, 626, 627, 628, 629  
 Order of Knights Templar of the middle ages, 535  
 Organization of government on Rhode Island, 11  
 Ormsbee, Elijah, 372  
 Orpheus lodge No. 36, Providence, sketch of, 524  
 Overseer of poor, reluctance to hold office of; election of, 400  
 Owens, Capt. Joseph, 623  
 Paine, Stephen, 622  
 Palestine encampment no. 3, I. O. O. F., Newport, 551  
 Palmer, John S., 381  
     Northup house, the, 630  
 Panic of 1857, causes of, 311; local features of, 310-11; of 1873 in Rhode Island, 316  
 Paper mills, early, 333; scarcity of in early times, 560  
     money advocates elected governor and deputy, 1732, 209; amount of first issue, 201; depreciation of, 206; evils of in local expenditure, 212; excuse for further issue of, 212; first issue of in Rhode Island, 1710, 200; first redemption of, 1711, 201; interdiction of issue, 1751, 207; issues of, 52; issue of opposed in Providence, 52; issue of during the Revolution, 220; issue of favored in several towns, 52; issue, demand for, 226; issues, evils of continuance, 215; issues of 1731 and 1733, 208; issue 1731, protest against, 208; issue of 1731, veto of, 208; issues of 1740, character of, 213; made legal tender, 201; mania for, 52; periods of issue, 199; party, political success of 1732, 209; party, success of, 1715, 202; party sustained by the home government, 209; protest of Providence against further issue of, 201; redemption of provided for, 1754, 218; refusal to accept in payment for meat, 226; state debauched with, 206; taxes assessed, 233  
 Park Hill lodge No. 44, I. O. O. F., Auburn, 550  
 Parliamentary or General courts, establishment of, 93  
 Partition of estates, power given to, 136  
 Pawtucket, calico printing in, 1826, 353  
     chapter no. 4, F. & A. M., 528  
     cotton manufactures 1826, 353  
     council, 533  
     Court of Magistrates in, 134  
     Cupola Furnace Company, the, 372  
     early machine shops in, 373  
     erection of the "new mill" in, 346  
     fame of for iron manufactures, 372  
     first town meeting in, 45  
     incorporation of, 45  
     incorporation of as a city, 83  
     manufacture of nuts and bolts in, 373  
     nail making in, 373  
     royal arch chapter, F. & A. M., dispensation for, 528  
     shipbuilding in, 328  
     third cotton mill in, 1805, 346  
     Worsted Company, the, 1820, 363  
 Pawtucket Falls, foundry at, 330-31  
     iron ore found near, 330  
 Paupers, decline of custom of boarding out, 410; early examples of, 390-91; system of boarding out, 392

- Peacedale, first woolen manufacture at, 1804, 360
- Peage, 189; a legal tender, 198
- Peck, Cromwell, 374  
 Elihu, gun maker, 370  
 Horace M., 595  
 Mrs. Rachel, 595  
 Perez, 374
- Peleg Arnold's tavern, 646-49
- Penal forcing act, passage of, 226
- People's bank, charter of 1846, 307
- Permanent debt, beginning of, 1752, 212; in 1764, amount of, 220
- Perry, Oliver Hazard, laying foundation of statue of, 519  
 Marsden J., 317
- Perseverance lodge No. 29, I. O. O. F., Apponaug, 549
- Personal property, imperfect valuation of, 250
- Petitions for residence, refusal of, 399-400
- Petit jurymen chosen, 93
- Philadelphia, early meetings of masons, 495
- Phenix bank of Providence, the, 297
- Phillips, Caleb, master mason, 496  
 house, the, 631  
 Michael, 631  
 Whipple V., master mason, 523
- Physicians in colonial times, 558-60
- Pilgrim lodge No. 19, I. O. O. F., Providence, 548
- Pine forests, preservation of, 562
- Pioneer builder, a, 583; carpenters, importance of, 582-3; craftsmen, 582-3; forging by hand, 585; labor in winter, 560-1, 565; marriage customs, 577; names for children, 575
- Pioneers, care of stock by, 565; dwellings, lighting of, 561; industrial versatility of, 325; maritime pursuits of the, 578-9; relaxation of, 563; their medium of exchange, 564
- Piracy, cases of, 440-43; change in sentiment towards, 443; dangers of, 441; early, 440; how treated in early years, 439-40; measures to suppress, 441-2; suppression of, 442
- Pirates, capture and execution of, 443; force equipped to suppress, 443
- Piratical vessels, operations of, 443
- Pitcher, Larned, 373
- Pitchwood, use and value of, to the pioneers, 561-2
- Plymouth encampment no. 11, I. O. O. F., Providence, 551
- Plan of home lots, Providence, 18; of first division of home lots, Providence, 9; showing home lots, Providence, 12
- Political campaign of 1834, 512-13; development of towns, the, 1; operations of 1832-3, 512
- Poll tax, 1698, 188; levied by the State till 1811, 244
- Poor and insane, relations of, 416; care of, a burden, 212; care of, administered in town meeting, 400; care of, each town for its own, 393-4; care of, 1774, 400; care of, by town councils, 22; care of, sold at auction, 407; different modes of care of, 407; distress of, in Newport, 400; distress of, in 1774, 400; early examples of the, 390; evils of sale of care of, 407-8; great distress of 1777, 401; inquiry into condition of, 1850, 408; legacy of Ebenezer Knight Dexter for, 406; maintenance of, 193; plans for better care of, 401; provision for, 21; provision for insane, 422; support of in Providence, 406; system of boarding out, 406; system of care of, developed, 75
- Porter, John, 326
- Port Royal expedition, cost of, 197
- Portsmouth and Newport, particular courts in, 93  
 assembly at, to form Union, 20; coroner's inquest in, 70; dipping stool ordered for, 74; first water mill, 1638, 326; incorporation of, 91; naming of, 15; new agreement of settlers at, 14; settlement and naming of, 5; tax list of 1687, 186
- Posthumous punishment, case of, 443
- Post roads, authority to lay out, 1699, 193
- Potter, William, 587
- Power loom, American efforts to perfect, 348; in 1826, 353; patented in Pawtucket 1814, 373; perfection of in America, 348; starting of in Rhode Island, 348-9
- Practice and procedure, regulation of, 96
- President Jackson, endorsement of, 298
- Price convention held in Providence, 1776, 220  
 Henry, grand master mason, 495
- Prison accommodations, increased need of, 449-50; burning of the first, 450; in Providence, report of building committee, 1698, 450; lot, location of the, 451; order to build in Kingstown, 450; orders to build in Providence, 1695, 450; order to build in Providence, 156; second, in Providence, 454; the first, 448; vote to build, 448; vote to build in Providence, 1696, 450; each town to provide one, 448
- Prisoners, rules and regulations for, 471-2
- Prisons, condition of, in early years, 457; early need for, 447
- Privateering, degeneration of into piracy, 440; prevalence of, 439-40
- Privateers, become pirates in time of peace, 441; commissions to, 439
- Probate Courts, procedure more complex, 136; right of appeal from, 137



- Probating wills, act prescribing method, 24  
 Property, distribution of, by towns, 136;  
     taxed at less than full value, 249  
 Proprietors, a distinct class in Providence,  
     22; landed rights of, 42  
 Prosperity dissipated in 1860, 311  
 Providence and Warwick, courts of trial in,  
     97  
     a port of shelter for the navy, 328  
     Association of Mechanics and Man-  
     ufacturers, report of 1791, 375;  
     petition of for school of reform,  
     1847, 477  
     bank a bank of deposit, 271; adapta-  
     tion of to environment, 268-9; be-  
     ginning of business by, 271; char-  
     ter of the, 1791, 263; comparison  
     of with others, 1821, 294; how  
     managed, 264; location of, 271;  
     plan to maintain reserve, 269;  
     purposes of, 268; U. S. deposits in,  
     276  
     banks, government obligation taken  
     by, 311  
     building of county prison in, 457  
     calico printing in, 1794, 344  
     chapter of Rose Croix, 543  
     changes in fire department, 73  
     committees for dividing common  
     lands in, 44  
     contrasted with Newport and Ports-  
     mouth, 173-4  
     council of royal and select masters,  
     533  
     county court house, corner stone  
     laid, 518  
     court house in, 159  
     court of magistrates in, 134; consti-  
     tuted in, 106  
     demand for centralized government  
     in, 81-2  
     division of, 51; of into wards, 82; of  
     in 1731, 210  
     Dutch, French, etc., excluded, 49  
     financial conditions of, 175; fulling  
     mills in, 337; mill in, 329; regula-  
     tions in, 70; tanneries in, 330;  
     taxation in, 175  
     features of city indebtedness, 260  
     financial crisis in, 310; distress in,  
     1834, 298  
     first city officers elected in, 82-3;  
     comes under will of the majority,  
     90; murder committed in, 430  
     generosity to Newport, 401  
     gun making in, 370  
     home lots, 42  
     incorporation of as a city, 82  
     Institution for savings, charter of  
     1819, 307  
     Insurance Company, 1799, 275  
     Providence, interests of inhabitants of, 51  
     jewelry manufacture of 1810, 378;  
     of 1820, 378  
     Manufacturing Co., the, 347  
     marine insurance in, 274  
     measures for new jail in, 1825, 458-9  
     memorial from to Congress, 298  
     merchants, loans to, 281  
     municipal court in, 136-7  
     naming of, 4  
     new bank in, projected, 275-6  
     new jail required in, 1733, 454  
     order to build prison in, 156  
     organization of fire department in, 72  
     paid fire department in, 73  
     partial famine in, 226  
     percentage of population in, 239  
     petition of town for division, 61  
     poll tax abandoned 1792, 244  
     prison began in, 1695, 193; ordered  
     in, 450  
     proprietors a class by themselves, 44;  
     hold independent meetings, 44  
     proposition to divide, 51  
     regulations as to land interests in,  
     42-3  
     Royal Arch chapter, by laws for,  
     527; dispensation for, 527; early  
     members of, 527  
     rules framed for, 90  
     shares in meadow lands in, 42  
     shipbuilding in, 328  
     tangible property in, that escapes  
     taxation, 249  
     textiles made in 1790, 343  
     the five disposers of, 90  
     the old workhouse in, 403  
     third jail in, 454  
     town empowered to make and enforce  
     laws, 96  
     town records, burning of, 636; how  
     kept, 636  
     vessels owned by, 1791, 328  
     water supply for 1772, 335  
     Woolen Manufacturing Company, the,  
     360  
 Provincial Grand Master, 495  
 Public houses of early times, 572  
     improvements, expenditures for, 211  
     schools, promotion of, 253  
     whipping in Washington village, 447  
 Punishment, power granted to inflict, 93  
 Quinsnickit, 600  
 Randall, Job, 77  
     Rev. George M., 516  
 Range and Nature of Town Government,  
     the, 68  
 Rate-makers, election of 1704, 188  
     ordered by the Assembly, 1672, 186  
 Rates on goods, 231  
     opposition to prescribed, 183-4

- Ray, Dr. Isaac, 420
- Real capital, necessity for, 287  
estate, assessment of, 236; made taxable to its owner, 1855, 247
- Rebekah lodge, I. O. O. F., in Rhode Island, 552
- Receipt of U. S. surplus in Rhode Island, 299
- Receipts from England, 1756-1764, 219
- Red Cross Knights in Newport and Providence, 539
- Redwood lodge No. 35, Providence, charter of, 524
- Reform school, authority granted for, 1850, 477; benefits from, 479; industries in, 480; management of, 477-8; opening of, 478; character of graduates, 481; committee of investigation of, 482; criticism of, 481-2; reforms in management of, 479-80; reports of, 480-81; transfer of to the state, 1880, 483; superintendent of, 414
- Registry tax, 244-5
- Regulations for exercise of franchise, 22
- Rejected settler, penalty for return of, 394
- Reliance lodge No. 34, I. O. O. F., East Providence, 549
- Remington, Stephen, 25
- Repudiation, 226; acts repealed, 1791, 228; not disguised, 206
- Reports, first issued 1847, 162
- Reserve, plan to maintain, 269
- Reserves, no provision for, 295
- Resumption of 1838, 306
- Revolutionary period, 76
- Reynolds, John, 339
- Rhode Island, a hot-bed of anti-masonry, 509  
approval of piracy by, 442  
banking, real capital the base of, 283  
banks, accessibility of, 284; proportion of issue to capital stock, 286; resumption by, 311  
Central Bank of East Greenwich, 277; proceedings against, 304  
Chief Magistrate designated as Governor, 15  
conservatism in, 253  
Declaration of Independence, 80  
financial exhaustion of at close of revolutionary war, 226  
Grand Lodge, F. & A. M., measures for organization of, 499; new constitution of, 1847-8, 515; plans of organization, 500  
Hospital for Insane, Cyrus Butler's gift to, 419; incorporation of, 419; incorporators of, 419; raising money for, 419  
Insurance Company, the, 275  
Rhode Island lands, well watered, 569  
laws beyond scope of Parliament, 217  
lodge No. 12, I. O. O. F., Newport, 546  
open territory to council organization, 533  
paper money, 1738, 207; of 1738, 204; of 1775, 221; of 1785, 224  
percentage of bank capital in, 283  
refusal of to accede to request of Congress, 223  
revolutionary debt, 228-9  
settlers, characteristics of, 428  
source of wealth of, 581  
traditions in of early Masonic organizations, (note) 496  
Hospital Trust Company, charter of 1867, 315  
Union Bank, charter of 1804, 273  
Union, charter of, 277  
why she has few reports, 161  
Richmond, incorporation of, 63  
Right worthy grand lodge, I. O. O. F., of Rhode Island, 547  
Rising Sun lodge No. 30, East Providence, charter of, 523  
Roberts, Thomas, carpenter, 588, 590  
Robinson, Matthew, 142  
William, 61  
Roger Mowry tavern, the, 618-23; sign of the, 619  
Roger Williams bank, the, 276; U. S. deposits in, 277  
lodge No. 32, F. & A. M., Centerdale, charter of, 523  
lodge No. 3, I. O. O. F., Providence, 545-6  
monument, dedication of, 519  
Rogers, Rev. William, 613  
Samuel, 579  
Royal Arch degree, earliest conferred, 526; early cultivation of in Rhode Island, 526; made distinctive, 526; origin of term, 526  
Royal, select and super-excellent master degrees, 532  
Rubber goods, manufacture of, 383  
Rugg, Rev. H. W., D. D., 521  
Ruins of old buildings, mason work in, 586  
Rumford Chemical Works, the, 383  
Saint Andrew's lodge No. 39, Riverside, charter of, 526  
Sabres, government contract for, 374  
Salt, manufacture of at Pawtucket, 334; manufactory, proprietors of, 334  
Sanders, Tobias, 55  
Sandford, Gov. Peleg, 439  
Sanford, John, 13, 326  
Sands, James, 32, 55

- Savings bank of Newport, charter of, 1819, 306; statistics of, 322
- Savings institutions, the first, 306
- Saw mill, provision for 1638, 326
- Saw mills, an early industry, 325
- Sayles, David, master mason, 506  
John, 605
- Schedule of expenditures, 258; of income, 257
- School fund, increase of, 255  
of reform, measures for, 477
- Schools, cost of, 253-4
- Schooner, description of an early, 579
- Scituate, action in, relative to revolution, 77; bank, fraud in, 304; chapter No. 8, F. & A. M., Clayville, 530; set off from Providence, 51
- Scottish rite, contest in, 542-3; controversy in, 542; division in, 542; early history of, 541; Providence and Newport bodies consolidated, 543
- Scythes, manufacture of at Central Falls, 374
- Seaconnet lodge No. 39, I. O. O. F., Little Compton, 550
- Sealer of weights and measures, duties of, 37-8
- Second bank of the United States, 296  
financial period, 282  
National Bank of Providence, reduction of capital of, 317  
trial, right to, abolished, 127
- Secret societies, various in Rhode Island, 553, note
- Sectional jealousy, 52
- Sedition act, 1672, 183
- Seixas, Moses, (note) 498, 527
- Settlement of differences among early settlers, appointment of committee for, 10
- Settlements on Block Island, in Wickford and Jamestown, 56
- Settlers, early, care of stock by, 565  
in Rhode Island, characteristics of, 428  
petitions granted for residence, 399  
right of towns to reject, 394
- Shareholders, how taxed, 248
- Sharpe, Lucien, 376
- Shaw, John A., 539, 542
- Shearman, Judge, anecdotes of, 166-69
- Sheffield, Jeremiah, gun maker, 370
- Shipbuilding an early industry, 325; importance of at close of the seventeenth century, 327; in early years, 581; in Providence, 328; peculiarities of early, 579; the first, 1646, 327
- Shipping, condition of, in 1860, 327
- Shipyards, establishment of in Newport, 1709, 327
- Shoemakers, the early, 330
- Sick persons, public relief of, 393
- Sickness, quaint cases of, 558-60; recipes for in olden times, 559-60
- Silk manufacture, statistics of 1900, 367; industry, the, 367
- Silver, disappearance of from circulation, 292; or its equivalent, the only legal tender for debts, 217; over-valuation of, 292; ware manufacture, 1900, 383
- Simmons, James F., 510
- Slater, John, 346  
mill, erection of the new, 1793, 344; first operatives in, 343; strike at, 346
- Samuel, anecdote of, 345; arrival of, 341; early operations of, 341-2; first cotton thread made by, 345; record of operations of his machines, 1790, 342; retirement of from Almy & Brown, 1799, 345  
Samuel, & Co., organization of firm of, 346
- Slatersville, importance in 1826, 353
- Slave trade, 328
- Slaves, actions for damages sustained against, 157; duty on, 211; how executions were served against, 157
- Sliding lathe, invention of, 332
- Small pox in Cranston, 26
- Smith, Benjamin, 54  
Edward, 54  
John, his candles, 563  
John, mason, 584  
Joseph, weaver, 337  
William, Weaver, 337
- Smithfield, cotton mills in, 353; Manufacturing Co., the, 346; set off from Providence, 51; Union Bank, the, 277
- Smuggling, prevalence of, 230
- Solomon's Lodge of Perfection, Providence, 542
- Sons follow trades of fathers, 584-5
- Sound money party in power, 1790, 227
- South Carolina encampment, 535
- South Kingstown, division of into two election districts, 68; organization of, 57-8
- Special courts, establishment of in cities, 136; in Newport, 97  
franchise taxes, 252; forms of process against debtors of banks, 291; licenses, 244; taxes on lotteries, 241-2; verdicts, 130
- Specie, borrowing of to secure bank charters, 293; decrease of amount held, 307; disappearance of, 1776, 220; held by banks, 1800-1860, 296; payments, suspension of, 1837, 299; payment, suspension of 1857, 309; payment, suspension of 1861, 311-12; reception of in Rhode Island, 287
- Sperm oil, manufacture of in Newport, 328



Spinning and weaving by machinery, advantage of, 342-3  
 by the Daughters of Liberty, 338  
 jenny, importation of, 338  
 jenny, manufacture of in Providence, 1787, 339  
 wheels, the early, 337  
 Sprague, A. & W. Company, failure of, 1873, 316, 358  
 Jonathan, 369  
 William B., report of on masonry, 511  
 Stanton, Col. Joseph, 639  
 Daniel, 579  
 Staples, Thomas, 330  
 William Reed (plate), 160, 165  
 State almshouse, description of, 411-12; enlargement of, 411; erection of, 410-11; opening of, 1874, 411; plans for 1869, 410  
 and local valuation, comparison of, 251  
 and other bank statistics, 320-21  
 asylum for insane, measures to provide, 1867, 412; purchase of farm for, 413; report of committee on, 412-13  
 asylum, functions of, 423  
 banks, disappearance of, 312; tax on after 1866, 312  
 bills of credit, issue of in 1780, 222  
 bills partially redeemed with continental bills, 222  
 cotton factories in 1826, 353  
 debt in 1787, 227; ordered paid, 228; twice repudiated, 229  
 expenditures, causes of increase, 253; natural growth of, 252; since 1850, description of, 255-6  
 farm, provision for insane poor, 422; institutions on, 414; superintendent of, 414  
 growth illustrated, 157  
 house, old, courts met in, 159  
 hospital, administration improved, 424  
 hospital for the insane, name adopted 1897, 424; superintendent of, 414  
 indebtedness, features of, 254-5  
 license on hawkers and peddlers, 240  
 obligations consolidated, 1782, 225  
 prison, bill of fare in, 473; commission to build new, 469-70; committee to build, 1794, 455; committee to build, 1796, 456; committee to examine, 464; commutation in for good conduct, 469; description of the first, 460;

erection of new, 1852, 466; erection of new, 1878, 470; escapes from, 466; first admission of convicts to, 1838, 460; first warden of the, 462; improvements in management of, 465; inspectors elected for, 462; inspector, office of abolished, 473; inspectors, reports of, 462-4; inspectors, the first board of, 462; improvements in, 467; labor in the, 463; manufacture of state goods abandoned, 467; measures for new, 469; measures to build, 1834, 459-60; measures to build delayed, 456; necessity for, 455; opposition to building of, 455; petition for, 1827, 459; popular vote in favor of, 459; progress in management of, 467; religious teaching in, 467-8; results of system in, 475-6; system in the first, 461; separate system in the, 462; tax to build, 254; warden of, 414; warden, report of, 1840, 463  
 State reform school, chapel and hospital at, 487; description of, 484; erection of, 483; farming at, 488; increased manufacturing facilities in, 489; machinery introduced in, 1884, 486; military training in, 490; site of, 483; trades taught in, 487  
 rights, upheld by Rhode Island's representative, 224  
 system, separate system breaking down, 1844, 464-5  
 taxes, remedy for inequality of apportionment, 234  
 the, obligated to pay the revolutionary debt, 229  
 trust company system, rise of, 312  
 use of word to designate united colonies in Rhode Island, 16  
 \*valuation, increase of, 251; 1796, protest against, 249; of 1849, 250; of 1874, and 1893, 250; years when adopted, 249  
 Steamboat, building of 1794, 372  
 Steam engine, early building of at Hope furnace, 331; the Corliss, 376  
 engines, manufacture of in Providence, 376  
 Steele, Benjamin, 638  
 Mary Bowen, 638  
 Sterling exchange, advance in rate of, 208  
 Stiles, Richard, 613  
 Stiness, John H., 166, 519  
 St. Albans lodge No. 6, Bristol, charter of, 502  
 St. John's commandery, 539

- St. John's encampment, Providence, 538;  
code of by-laws for, 539; first regular  
meeting of, 538; first officers of, 538  
lodge, Newport, constitution of,  
496; dissension in, 504; incor-  
poration of, 496; only two de-  
grees by, 496; revival of, 499  
lodge, Philadelphia, Liber B of, 495  
lodge, Providence, centennial cele-  
bration of, 515; charter for, 497;  
incorporation of, 497; masters of,  
497; meetings of, 497
- St. Paul's lodge No. 14, Newport, charter  
of, 506; charter of surrendered, 1818,  
506; re-establishment of 1876, 506
- Stockholders, given access to bank books,  
304; liability of, increase of, 290; liabil-  
ity of, limited 1872, 312
- Stock jobbing countenanced, 296  
notes, excessive use of, 293
- Stocks and whipping post, erection of 1638,  
447  
and whipping post, in Rhode  
Island, 13
- Stone chimney house, the, 599-600
- Stove manufacture in Rhode Island, 376
- Straw plait manufacture, 369
- Struggle for judicial supremacy, the, 87
- Sublime country, Newport, 542
- Subordinate lodge, standard for, 517
- Suffolk bank system, the, 284-5; exempli-  
fication of in Rhode Island, 286; value  
of, 286
- Sugar act, protest against 1764, 230; the  
first, 209  
duty laid on, 1731, 212  
refinery in Bristol, 384
- Summary judgment and execution, repeal  
of law, 291
- Sunday observance enforced, 75
- Superior Court, marked change in, 104-5;  
jurisdiction and business of, 106; of  
Judicature, Court of Assize and General  
Gaol Delivery, 103-4  
lodge No. 35, I. O. O. F., Central  
Falls, 549
- Supreme council for the northern jurisdic-  
tion, 541; of sovereign grand inspectors-  
general of the 33d degree, 541  
Court, antagonism against exercise  
of chancery powers, 120; cogniz-  
ance of, 105; equity powers may  
be conferred upon, 120; expres-  
sion of in Dorr case, 113-14; ex-  
tension of jurisdiction of, 106;  
how constituted at present, 107;  
legislature empowered to increase  
jurisdiction of, 116; name adopt-  
ed, 105; of appeal, 91; officers,  
firmer tenure assured, 116; under  
constitution of 1843, 112-13;  
vested with original jurisdiction,  
157
- Supreme Judicial Court, adoption of name  
of, 105
- Surplus, beginning of accumulation, 306
- Suspension in Rhode Island, 1837, 305; of  
banks, 1814, 284; of specie payment,  
1857, 309; opposition to, 310;
- Swarts lodge No. 18, I. O. O. F., Provi-  
dence, 548
- System of redemptions, the Suffolk, 283
- Tabor, John, relief for an account of the  
burning of his house, 393  
widow, cared for by the town, 391
- Taggart family, sufferings of in the revolu-  
tion, 639-41  
farm, destruction of property on, 640  
house, the, 638-43  
William, 639; appointed in the Sul-  
livan expedition, 641; award to,  
by the assembly, 640-41; capture  
of by the British, 641-2; story of  
escape of, 641-43; story of suffer-  
ings of, 639-40
- Talbot, Ephraim, 354
- Tanneries, the early, 330
- Tariff amendment of 1797, 349; and anti-  
tariff, conflicting claims for, 354-5; bill,  
new of 1842, 356; changes 1828, 353;  
convention, 1832, 354; compromise of  
1832, 355; law, 1647, 191; law of 1712,  
191; new bill 1824, 352; of 1816, effects  
of, 351; of 1846, effect on woolens, 363;  
protective, 231; reduction of 1857, 356;  
request for prohibitory, 351
- Tar making, regulation of, 561-2
- Tavern, a convivial party at, 574
- Taverns as public meeting places, 573;  
furnishings of, 572; the early, 572
- Taylor v. Place, 123
- Tax and impost acts, suspension of, 226;  
assessors, governor empowered to ap-  
point, 184; assessors, liability of for  
neglect, 184; average annual during rev-  
olutionary war, 233; collection, how made,  
234; collector, 1684, 185; for colony pri-  
sons, 179; law, a peculiar, of 1778, 238;  
law contest over between towns and state,  
236-7; law, general on real estate, 1782,  
238; law of 1672, features of, 186; law  
of 1744, features of, 237-8; law of 1777,  
235; law of 1849, 250; law of 1872, fea-  
tures of, 248; laws, inadequacy of, 251;  
laws relating to corporations, 247-8;  
laws, tendency of changes in, 238; laws,  
unjust towards corporate property, 252;  
levies, early, 178; levy, inability of state  
government to enforce, 225; levy of 1662,  
180; of 1678, 187; on banks, right of  
state to, 300; on banks, the first 1804,

- 242; on insurance companies, 240-41; on live stock, 185-6; on street railways, 1898, 252; on swine and goats, 1649, 563; records, incomplete, 189; specific levied, 186; the faculty of 1744, 238
- Taxation and loans the only financial resources, 1776, 220; basis of, 43; beginnings of, 174; deduction of charges for collecting, 181; details of, exemptions from, 245-6; development of 1647-1710, 176-85; difficulty of collection, 182-3; direct resorted to 1744, 212; exemptions from, 189; fundamental law of, 179; general uses of 1650-1710, 197; improved methods of, 180; law as applied to corporate property, 246-7; legal aspect of same, 1825, 239-40; legal effects of changes in, 235; legal relations of the subject, 173; maintained in towns for local purposes, 244; on all forms of property, 237; personal returns for, 244; property rated at full value, 1779, 238; rates of in various years, 250; reliance of on general property, 240; religious and educational property exempted from, 1769, 238; Stuart view of, 177; system, changes in, between 1744-1800, 234; the assembly declared the only judge of taxation, 236; thirty years without, 214; boats exempted from, 1795, 238; 1664, 181
- Taxes, amount of, 1664-1700, 189; amount of, 1700-1710, 189; assessed, 1756-1774, 219; assessment of in terms of silver, 189; apportioned among towns, 1698, 188; characteristics of in early years, 229; cost of collection, 189-90; cost of collection imposed on localities, 234; delay in collection of, 1712-1714, 201; difficulties of collection, 233; failure to collect in 1756, 219; imposition of, 1658-9, 180; levied, amount of, in five years, 233; levied in gold and silver, 233; on tradesmen, law amplified, 1699, 188-9; persons appointed to levy, 184; proportion of for debt purposes, 1865-68, 250; proportion of in Providence and Newport, 188; protests against, 1759-1796, 237; reliance of Congress on, 223; right of colonial government to impose, 178; special on lotteries, 241-2; to call in Continental bills, 223; towns refuse to assess, 1765-6, 236; towns vested with power to levy on estates and polls, 1748, 235; treasurer authorized to anticipate, 259
- Tefft, George, gunmaker, 370
- Temple Chapter, Warren, organization of, 528
- encampment No. 2, Albany, 536
- Temple lodge No. 18, F. & A. M., Greenville, charter of, 507; reorganization of, 507
- Ten days' grace, reasons for abolishing, 266
- Tenth bonds, 203; defaulting of, 213
- Terry, Thomas, 55
- The incorporation of the towns, 53
- The poor, the defective, and the criminal, 387-389
- Third financial period, 1840-1865, 307
- Thomas Fenner house, the, 615-16
- Thomas, Samuel H., 551
- Thomas W. Dorr case, judicial features of, 113-14
- Thompson, Rev. Charles, 613
- Thorp, John, 348, 373
- Thornton, John, 626
- Tillinghast, Charles F., 161
- Daniel, 500
- Pardon, 369, 584
- Tinker, the old, 585
- Tiverton, incorporation of, 62
- Tonnage duty imposed, 1704, 327; of 1732, 212; imposed, 191
- Torrey, Joseph, 31
- Tower Hill, location of county buildings, 453
- Town acts, development of stability of, 19
- councils, 24; act as boards of health, 26; as an advisory board, 22; appeals from decisions of, 22; as courts of probate, 21; duties of, 21; empowered to lay out highways in Cranston, 27; gradual assumption of new functions by, 24; grant permission to inoculate for small pox, 26; increase in importance of, 23; judicial powers of, 21; justices of the peace authorized to sit in, 38; licensing authority committed to, 24; members of, 24; power given to settle accounts, 136; Providence, process of rejection of objectionable persons, 26; Providence, provision for, 21; relations to the central government, 22; to make regulations for assize of bread, 27
- Town Courts, broad authority of, 133; jurisdiction of, 192
- government, development of, 17
- expenditures, extraordinary, 193
- meetings, 39; places of holding, 40; range of subjects of, 40-1; appeal to from disposers, 90; as supreme court of appeal, 91; the source of all law, 90
- officers, 29; duties prescribed, 71; increase in number of, 71; in Providence Plantations, 21



- Town records, Providence, burning of, 436  
 residents, legality of, 399  
 treasuries, benefited by legislation, 205
- Towns, action in revolution, 80  
 adoption of Federal Constitution by, 84; as separate colonies, 84; authority of, earliest exercise of, 8; care of poor in, 75; conditions in after revolution, 81; duties of sealer of weights and measures, more definitely defined, 37-8; election of "six men of quality" in, 36; enforcement of Sunday observance in, 75; freemen in must be landholders, 50; growth of individuality, 51-2; jealousy of privileges in, 80; ordered to provide prisons, 448; petitions for residence in, 399; police protection in, 73; privileged to make freemen, 49; protection from fire in, 71-2; provision for elections, 36-7; provision for election of military officers, 37; representation of in general assembly, 53-4; rural benefited by act of 1723, 52; sale of liquors regulated in, 74; separation of mainland and island, 23; the growth of, 50; with harbors, advantages of, 51
- Townsend, Capt. Thomas, election of as sheriff, 449
- Trade with West Indies driven from Newport, 218
- Transportation, difficulty of, in early years, 325
- Treasurer's account, 1699, 196
- Treasury notes, depreciation of, 220; issue of 1777, 220
- Trevett v. Weeden, case cited, 107-8; great importance of in judicial struggle, 110; the famous case of, 226-7
- Trial by jury, 93  
 in review, abolished, 156; justices, obligations of towns to appoint, 134
- Trials for high treason, 437; infrequency of new, 130; noted, 146
- Trust companies, increase of deposits in, 316; paying of interest on time and demand deposits, 315; statistics of, 332; their functions, 315
- Twenty-five acre men, the, 429
- Two-town government, 1640, 174
- Tyler, Ebenezer, master mason, 505
- Uncas encampment No. 14, I. O. O. F., Providence, 552
- Union Bank charter of the, 290  
 lodge No. 10, Pawtucket, charter of, 505
- Union, the Newport and Portsmouth, 15  
 Royal Arch chapter No. 5, Woonsocket, 530  
 under the charter, 20  
 weakness of, under strain, 21
- United Brothers lodge No. 13, Bristol, 547
- United States bank, branch of, in Providence, 277; bank controversy, the, 297; establishment of in Providence, 1817, 288; removal of deposits from, 298; request for in Providence, 288  
 branch bank, local discounts in, 288  
 debts refunded, 1790, 228  
 deposits in Rhode Island, 276  
 funds in R. I. banks, 1836, 298
- Unity lodge No. 34, Lonsdale, charter of, 524  
 lodge No. 20, I. O. O. F., Providence, 548
- Unlimited liability of bank stockholders, 300
- Unmarried mother, treatment of, in early years, 395-6
- Updike, John, 634
- Unthank, Christian, 569
- Vagrants and insane in same class, 418
- Valentine Silk Company, the, 367
- Valley Worsted mill, the, 363
- Valuation and apportionment, methods of, 235; of personal property, imperfections of, 250; of 1762, how made, 235; the new of 1766-7, 237; abandonment of in Civil War, period, 250; changes in form of, 238; of 1893, 251
- Van Slyck, Nicholas, 519
- Varnum, Gen. James Mitchell, career of, 613  
 homestead, the, 613-14
- Vendue masters, appointment of, 1719, 212
- Verdicts, refusal of courts to set aside, 130
- Vernon, William A., work of on silk culture, 367
- Vessels owned in Providence, 1791, 328; number built, 1698-1708, 327; number owned in Newport, 1739, 327
- Veto power of the governor, decision against, 209; legality of, questioned, 208-9
- Viall, Gen. Nelson, as prison warden, 469
- Vital statistics, absence of, 576
- Wade, Willard, insane, neglect of, 417
- Walcott, Benjamin S., 346  
 street, Pawtucket (plate), 67
- Waldo, Daniel, 331
- Waldron, Nathaniel, master mason, 502
- Walling, Thomas, his candles, 563
- Wampanoag encampment No. 9, I. O. O. F., Bristol, 551
- Wanton, Colonel William, 57  
 Edward, shipbuilder of 1709, 327
- War between England and Spain, 1739, 212
- Ward, Samuel, 162

- Warehouse lots, Providence, 42
- War of 1812, consequences of, 287; effects of on manufacturers, 349; effects of on woolen manufacture, 362
- Warren bank, the, 276
- Warren, incorporation of, 63; marine insurance in, 274
- War ships, building of, in Rhode Island, 327  
tax, 1690, 182  
with France, 1744, 214
- Warwick, cotton mills in, 1829, 353  
Dutch, French, etc., excluded from, 49; protest against tax, 1664, 176; settlers, early governmental condition of, 17; (Shawomet) settlement of, 6; lodge No. 16, Phenix, charter of, 506
- Washington bank, charter of 1800, 273  
bank of Westerly, charter of 1800, 271  
chapter, New York, the mother chapter, 527  
encampment, Newport, 539  
Insurance Company, the, 275  
lodge, I. O. O. F., No. 1, Baltimore, 544; No. 3, Warren, charter of, 501; No. 5, Wickford, charter of, 502; No. 11, I. O. O. F., River Point, 546; Park lodge No. 51, I. O. O. F., Providence, 550  
reply of President to King David's lodge, 499; visit of to Rhode Island, 1790, 499
- Waterman, Benjamin, 584  
Elisha, 346  
Nathaniel, 615  
Resolved, carpenter, 588; his house in the woods, 605
- Weaving agencies, establishment of, in outside cities, 349; done by hand previous to 1817, 348; early methods of, 337
- Weaver's shop, built in Providence 1704, 337
- Webb council, Warren, 533  
Thomas Smith, 502 note, 527
- Webster, Louis A., master mason, 526
- Weddings, strange customs of, 577-8
- Weeden, John H., 144  
William, 54
- Weetamoe encampment No. 18, I. O. O. F., Adamsville, 552
- Wells, Joseph, 579
- Westerly, act of incorporation of, 54; list of free inhabitants in, 48; record of assignment of lots in, 48; regulation of land holdings in, 48; tax on personalty in 1671, 186
- West Greenwich Farmers bank, 1833, liability of stockholders in, 300; incorporation of, 61-2
- Westminster lodge No. 27, I. O. O. F., Providence, 548
- Weybosset bridge, repair of, 1664, 588-90
- What-Cheer lodge No. 48, I. O. O. F., Providence, 550; No. 21, F. & A. M., Providence, charter of, 516
- Wheaton, Charles, master mason, 501
- Wheeler, Louis M., master mason, 505
- Whipping as punishment, 436, 444; offenses punished by, 444-46
- Whipple, Abigail, 622  
Eleazer, 585; sketch of career of, 607-8  
Hope, 622  
James, bequest to, 609  
John, 40, 143, 354, 590; some of the tools of, 591  
John, jr., 19; and wife, 397  
Joseph, 634  
Samuel, 608; will of, 622
- White, J. S. & Co., 372  
Stillman, master mason, 524  
William, 588  
Zebulon, 372
- Whitehouse, James G., master mason, 526
- Whitman, Valentine, 588
- Wilbour, Isaac, 163
- Wilkey, Thomas, father of Odd Fellowship, 544
- Wilkinson, David, 332, 372; & Co., 348  
family, manufacturing operations by, 372; mechanical genius of, 332  
Hannah, 341-2  
Isaac, 371  
Jeremiah, 332  
Ozias, 332  
Oziel, 341  
William, 346
- Will, a curious example of, 137-8
- Willet, Francis, 61
- William Green, house of, 612-13; important meetings in, 612
- Wills, *ex post facto*, example of, 135-6; probate of, prescribed, 24
- Williams, Daniel, 337  
Roger, 177, 590, 615, 630, 649; bridge built by, 193; causes of banishment of, 41; compact of government drawn by, 8; departure of for England, 1643, 431; estimate of, 3; letter from 1650, 390; preaching of in the Mowry tavern, 620; principles maintained by, 6; return of with charter, 11; settlement of at Providence, 4; treatment of, 389; title to land acquired by, from Indians, 6  
Thomas R., power webbing loom by, 360
- Wilmarth, Thomas, master mason, 523
- Wilson, George F., 383
- Windmills, introduction of, 326, 327
- Winter labors of the pioneers, 561

- Wionkeage, 626, 627
- Witchcraft, no trials for in Rhode Island, 438
- Wolves, bounty for killing, 570; trapping of, 563
- Wood, James, father of Rhode Island Odd Fellowship, 545  
     William, 570
- Woolen cloth, domestic manufacture of, 359; establishments, number of 1860, 365; factory, the first, 360; factory, the first in Providence, 360-62; goods manufactures, statistics of 1900, 366; manufactures, effects of early tariff on, 363; manufactures, statistics of, 365; of 1870, 365; of 1880; of 1890, 365; of 1901, 366; mills, number in the state 1810, 362; in 1832, 363; in 1840, 363; in 1850, 363
- Woolens, worsteds and other textiles, 359
- Woonasquatucket encampment No. 10, I. O. O. F., Olneyville, 551
- Woonsocket commandery, charter of, 540; council No. 4, organization of, 534  
     court of magistrates in, 106, 134; early forge at, 374; edge tool making in, 374; incorporation of as a city, 83; lodge No. 19, I. O. O. F., 546; set off as a town, 67
- Workhouse, plans for county, 403; plans for in Providence, 1738, 402; rules for, 403-6; the old, in Providence, 403
- Wormwood, Mary, warrant for arrest of, 396
- Writ commencing action, early, 132
- Yarn, early spinning of, 337
- "Yellow Mill," the Pawtucket, 346
- Young, Israel, 592







